ADDRESSING THE IMPACT OF THE STRUCTURAL FRAGMENTATION ON ASPECTS OF THE MANAGEMENT AND CONSERVATION OF CULTURAL HERITAGE

by

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Declaration

By submitting this research report electronically, I declare that the entirety of the work contained therein is my own original work, that I am the owner of the copyright thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Signed: D. Sibayi   Date: 1 September 2009

ABSTRACT

The birth of democracy in South Africa launched a paradigm shift in the public sector aligning it with the new political ideology. To meet this objective, state organs had to be radically transformed to embrace this new political ideology so as to extend and enhance service delivery to all South Africans. The democratisation of state organs led to the transformation of public institutions both statutory and non-statutory.

The urgency to transform strategic state institutions whose mandate was to provide basic and primary needs like health, housing and social services, led to the neglect of other like sport, culture, and the natural environment. The transformation of some of the latter institutions was attended to only after a couple of years after the democratisation. This led to flaws in these legislative development processes which resulted in the creation of different institutions by various laws. This was the root cause of fragmentation.

The provisions of these Acts are in some areas ambiguous and contradictory. The consequences are duplications and overlaps in the implementation processes. Heritage institutions have different regulatory frameworks and management systems – regulations, policies, guidelines and procedures. Furthermore, complex internal management systems expedite fragmentation of this sector. This institutional fragmentation has enormous impact on heritage conservation and management. There is limited cooperation and collaboration between heritage institutions.

This study will outline how theories, strategies and instruments from the new public management approach, can be utilised to address these challenges.

OPSOMMING

Met die totstandkoming van 'n demokratiese Suid-Afrika het in paradigma verskuiwing in die openbare sektor gevolg wat dit in lyn gebring het met die nuwe politieke ideologie. Om hierdie doelwit te bereik staats instelling moes radikaal getransformeer word om hierdie nuwe politieke ideologie te ondersteun en diens lewering na alle Suid-Afrikaners uit te brei. Die demokratisering van staatsinstellings het tot die transformasie van beide statutere en -nie statutere instellings gelei.

Die noodsaak om strategiese staatsinstellings wie se mandaat dit was om basiese en primere dienste soos gesondheid, behuising en maatskaplike dienste te verskaf en transformeer, het tot die verwaarlosing van sport, kultuur en omgewingsake gelei. Dit het 'n paar jaar geduur na demokratisering voordat die transformasie van hierdie instellings aandag gekry het. Die gevolg was 'n gebrekkige wetgewende ontwikkelingsproses wat tot die totstandkoming van verskillende instellings in terme van verskeie wette gelei het. Hierdie is die bron van fragmentasie. Die voorskrifte van hierdie wetgewing is in sekere areas dubbelsinnig en teenstrydig. Die gevolg is duplikasie en oorvleuling in die implementeringsprosesse. Erfenis oorvleueling instellings het verskillende regulatoriese raamwerke en bestuurstelsels- regulasies, beleide, riglyne en prosedures. Verder vererger die komplekse interne bestuurstelsels fragmentasie in die sektor. Die institusionele fragmentasie het groot impak op erfenisbewaring en-bestuur. Daar is beperkte samewerking tussen erfenis instellings.

Hierdie studies sal aandui hoe teoriee, strategie en instrumente van die nuwe benadering tot openbare bestuur aangewend kan word om hierdie uitdagings die hoof te bied.

ACKNOWLEDGEMENTS

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Abbreviations

ACTAG	Arts and Culture Task Group
ANC	African National Congress
CEO	Chief Executive Officer
CRM	Cultural Resources Management Unit
DAC	Department of Arts and Culture
DACST	Department of Arts, Culture, Science and Technology
DEAT	Department of Environment and Tourism
ICOM	International Council of Museums
ICOMOS	International Council of Monuments and Sites
ICCROM	International Centre for Study of the Reconstruction and Restoration of Cultural Property
IUCN	International Union for Conservation of Nature
MEC	Member of Executive Committee
NHC	National Heritage Council
NHRA	National Heritage Resources Agency
NPM	New Public Management
OECD	Organisation for Economic Cooperation and Development
PHRA	Provincial Heritage Resources Authorities
SAHRA	South African Heritage Resources Agency
SANParks	South African National Parks
SAWCC	South African World Heritage Convention Committee

UNESCO	United Nations Educational, Scientific and Cultural Organisation
WHC	World Heritage Centre
WHS	World Heritage Site

CHAPTER 1

INTRODUCTION AND RESEARCH METHODOLOGY

1.1 Introduction

This study focuses on heritage management, with emphasis on those institutions that were established by the National Departments of Arts and Culture and Environment and Tourism. Some of these institutions are statutory bodies established by acts of parliament, like the South African Heritage Resources Agency, the South African National Parks, the South African World Heritage Convention Committee and the National Heritage Council. The study will cover the period from the promulgation of various heritage legislations, and analyse how these legislative frameworks led to the establishment of fragmented institutions in the sector.

Whilst there are various heritage bodies, both in the provincial and local spheres, emphasis will be on the national statutory bodies, the South African Heritage Resources Agency, the South African National Parks and the Managing Authorities which manage World Heritage Sites, whilst the National Heritage Council will also be referred to. It is the former three regulatory bodies that encounter challenges emanating from their fragmentation. These challenges are exacerbated by the location of cultural heritage management in various institutions.

This research will focus on existing cultural heritage legislations, regulations and institutional procedures. As a result, the major part of this discussion is an outline and description of the legislative regulatory frameworks. It also examines and describes the conservation systems and management systems of these institutions. A detailed description of their legislative frameworks will be presented.

In order to provide a clear illustration of the dilemma facing heritage management and conservation, a detailed description of the following issues is critical: the legislative requirements; the different mandates of these heritage institutions and their respective governing structures; accountability and internal regulatory frameworks within these institutions; and the development of these cultural heritage institutions.

This detailed description will assist in understanding these institutions and demonstrate the complications resulting from their fragmentation - an impairment caused by the complexity and duplication of conservation functions. It is the understanding of these issues that has equipped the researcher with relevant information, highlighting and identifying problem areas, and recommending approaches for effective and efficient cultural heritage conservation.

The discussion will refer to current and relevant debates; analyse the concept fragmentation and provide possible strategies that could promote integrated management systems.

For a consistent interpretation and comprehension of culture, heritage and conservation by the heritage sector is critical to provide a definition of the terms. The White Paper on Arts, Culture and Heritage: All Our Legacies, Our Common Future June 1996, provides definitions of these terms as follows:

- *Culture refers to the dynamic totality of distinctive spiritual, material, intellectual and emotional features which characterise a society or social group. It includes the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions, heritage and beliefs developed over time and subject to change*.

- *Heritage is the sum total of wildlife and scenic parks, sites of scientific and historical importance, national monuments, historic buildings, works of art, literature and music, oral traditions and museum collections and their documentation which provides the basis for a shared culture and creativity in the arts.*

- *The National Heritage Resources Act No 25 of 1999 provides a definition of conservation in relation to heritage resources which includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.*

The presentation and use of these terms in this study is based on these definitions.

1.2. Research Methodology

This section describes the research methodologies and techniques that were employed.

A qualitative methodology was adopted, as it was appropriate for the research design and provided relevant techniques to the research problem. An extensive literature review process was undertaken.

Bless *et al*. (2006:22) argue that as a background to the research topic it is essential to read whatever literature might be relevant to the research topic. This will guide the researcher to develop the problem and hypothesis of the study.

The use of the qualitative research method broadened the understanding of fragmentation and provided possible and alternative theories, strategies and instruments that could assist in establishing an integrated heritage management system. This is supported by Kirk and Miller (1986:14), who argue that because qualitative research is concerned with social issues, it assists researchers to obtain absolute objectivity.

1.2.1 Problem Statement

The hypothesis of this study is that structural fragmentation in heritage conservation impedes an integrated identification, conservation, protection and promotion of heritage management. This is a problem that

can be addressed by using appropriate strategies and tools. Miller (1991:17) argues that it is problems that inspire researchers to acquire knowledge so as to solve them.

The dynamics of institutional fragmentation originated in the realignment of socio-cultural organisations. The formation of nation-states within delineated geographical spaces saw diverse cultural groups settle into regulated political environments.

This became a cluster of different cultural groups that formed a nation, with all groups expected to share some cultural values based on nationhood. This led to the development of complex organisational structures that were meant to regulate how the nation was to conduct its business. Unfortunately, diverse groupings have different life-views, way of life and experiences which shape their values and norms thus forming cultures. It was basically these various cultural experiences that influenced the formation and establishment of various fragmented institutions.

Whilst fragmentation is a complex global phenomenon, in South Africa the past institutionalised political, cultural practices shaped and influenced how heritage was managed and conserved. The emphasis on conserving European cultural heritage influenced the development of legislative frameworks that supported an ideology that promoted separation and fragmentation. The promotion of English colonial heritage and later Afrikaner cultural heritage, at the expense of indigenous heritage indirectly resulted in the formulation of policies that marginalised the majority of the citizens.

It is against this background that heritage must be managed in a manner that promotes and strengthens cultural diversity which is a tool for nation-building. Heritage legislative frameworks must augment this

principle and avoid fragmented systems if such systems have a potential to undermine nation-building. Heritage institutions should investigate appropriate management tools based on pragmatic rationales and appropriate strategies advocated by the new public sector reforms.

The democratisation of South Africa brought many changes. In a country with almost seventy per cent of its population not fully celebrating their heritage, drastic steps had to be taken.

With new governments comes the obligation to transform state institutions, and new public management offers various strategies. Lester (1987:11) states that the old, traditional hierarchical administrative approach is no longer relevant and is replaced by new generic tools, which include networks.

As in most public issues, heritage management is faced with enormous challenges. These are challenges that emanate from the institutional fragmentation of heritage resources management. It is against this background that the impact of this complex, fragmented and disintegrated system must be reviewed and assessed. These can be reviewed and assessed through social research an approach supported by Bless *et al*. (2006:21) argue that social research is complex and has various variables.

This fragmented and disintegrated conservation system has serious implications. Each institution has its own systems and procedures — a condition that could complicate coordination in cultural heritage conservation. The implications are that cultural heritage is conserved and regulated by different policies and procedures.

It is these fragmented systems that necessitated investigation and form the rationale for this study.

1.2.2 Literature Review

Chapter two refers to literature by different authors and their understanding of fragmentation and its impact. The literature review was the biggest challenge, as specific and relevant literature was limited. The research relied on, and used material that was not always directly related to the topic. Dixon *et al*. (1987:10) suggest that people do research to get more information and knowledge about the topic. This review covered a wide range of material that relates to fragmentation as a phenomenon. Three months was devoted to reading theoretical issues about fragmentation.

According to Garbers (1996:17), the investigative process involves studying the literature and posing questions. The steps from a research topic to a research question should be seen as a sifting process. This has guided the research on what has already been written about fragmentation.

This process led to a comparative analysis of fragmentation from various literature sources and theories and its consequences in other sectors. As a result, reference is made in this discussion to fragmentation in cultural, natural and political settings and its consequences in social formations.

1.2.3. Research Design

The essence of the topic under discussion necessitated a specific research design and methodology that had to be adapted and utilised. Like other qualitative research methodologies, special techniques were adopted to analyse the problem areas. It is these research tools that assisted this study to yield results and recommendations for possible interventions.

Mouton (2001:143) provides a guide on how to design research. Each design depends on the study to be conducted.

Welman *et al.* (2005:3) outline five sources of on-scientific knowledge and three of these were used to acquire specific information that relates to the formation of various heritage legislations and institutions. These are authority – knowledge accepted from some or other sources, opinion of peers- knowledge acquired by asking peers rather than experts and debating- knowledge and insight obtained by arguing in a logical manner.

As a heritage practitioner, the writer's work schedule and daily activities made it easier to have regular interaction with most heritage practitioners and members of the task teams that developed the policy documents that led to the compilation of the White Paper in 1996, titled *Arts, Culture and Heritage: All Our Legacies Our Common Future*. It is this White paper that has been used as a primary literature source for these study. The proximity of the writer's office to Parliament also eased interactions and discussions with Members of Parliament who were in the Arts and Culture Portfolio Committee when these Acts were promulgated.

This was supplemented by an analysis of different legislations and relevant documents. Forcese (1973:261) recommends careful planning when research is to be conducted. What and how questions are critical so as to avoid delays caused by errors. Each activity or stage in this research was aligned and allocated time. As the writer had access to the various legislations, regulations and policies, collecting the relevant information was less cumbersome.

1.2.4 Validity of Conclusions

A qualitative research methodology was used. This meant a literature review and an informal unstructured interviewing process so as to do a comparative analysis of this topic. The literature review was supplemented by informal and unstructured interviews with officials from heritage institutions and staff from the Department of Arts and Culture.

This was to gather information about processes in the formation of heritage legislation which Welman *et.al*. (2005:4) describe as debating, a source of non-scientific knowledge.

The researcher consulted with peers in the heritage sector and debating with them to probe and obtain insight and knowledge that would yield the desired results. This was an exercise that guided the researcher to focus on the purpose of the research.

Both sources provided data and information that enriched and validated this study. The relationship of these two data sources was critical for the success of the research and for internal validity.

1.2.5 Data Collecting

As already stated above, to complement the documentary sources, short unstructured interviews were conducted. Welman *et.al* (2005:166) describes these as informal and used to explore a general area of interest in depth - in-depth interviews. Such interviews did not have predetermined questions to work through with the interviewee given the opportunity to talk freely about events, behaviour, and beliefs in relation to the topic. Three of the people who were involved in the drafting of the White Paper and the various legislations were interviewed using this method so as to have a comprehensive idea about some aspects that were to be explored. The information gathered from these informal interviews provided the writer with the insight to the legislative formulation which led to the establishment of heritage institutions. It is this information that supplemented data and information which is presented in Chapter 3.

May (2001:124) support unstructured interviews, because they provide a qualitative depth, by allowing interviewees to talk about the subject

within their frames of reference. They allow interviewees to discuss ideas they are familiar with.

Only a few of these interviewees were not available as envisaged and special arrangements had to be made to reach them. As some of these individuals reside in various provinces unstructured interviews and other alternative interviewing techniques, including telephonic conversations were used. These were short and aimed at getting clarity on some issues. Fortunately these individuals had close ties with SAHRA, as they are previous employees and have regular contact with this organisation.

The previous Chairperson of the Arts and Culture Portfolio Committee also provided his input, as he was involved throughout the development of these regulatory frameworks, up to the promulgation of the Acts. He is now working as the CEO of one of the heritage institutions, Freedom Park, which has close working relations with SAHRA.

A challenge was access to officials and documents in the departments of Arts and Culture and Environment and Tourism, which are both in Pretoria, while the researcher is based in Cape Town. Despite this challenge, the relevant information and data were collected and gathered.

1.2.6 Data Analysis and Interpretation of Results

The analysis of the data collected from heritage institutions and its interpretation will provide indicators of the status of the sector. The prevailing management systems of cultural heritage are cause for concern, as heritage conservation faces various challenges.

Heritage institutions have different internal management systems, which do not appear to be compatible with and aligned to others. The sector is confounded with ideological issues. The geographical location of one

critical heritage institution in Cape Town, and not in Pretoria, also has its own challenges.

1.3 Summary

This section provided background to and the rationale for this study. Like most public sector institutions, heritage management is faced with complex and complicated challenges. These are challenges that are an integral part of this research, and solutions to them require a research methodology and procedures that will investigate and unravel these complex issues. An objective and independent analysis of these complex issues is critical. The methodology and techniques used in this research influenced this objectivity.

The study used a qualitative research methodology, a descriptive form of research that provided practical guidelines. This was undertaken to achieve the aim of the research.

In order to understand the complexity of heritage management, the next chapter will provide a historical background with a description that puts the institutional fragmentation in context. It is this historical background that provides corroboration for the development of institutional fragmentation. Sources consisting of documents, reports, files, letters and memorandums will also be used.

CHAPTER 2

THEORY: INSTITUTIONAL FRAGMENTATION

"So much — for the time being at any rate — for the Romantic symbol
and its testimony to fragmentation."
Thomas McFarland

2.1 Introduction

A preliminary literature review of relevant and current debates on institutional fragmentation guided the course of this study. The first part of this chapter is a brief discussion that cites a couple of South African case studies. This will be a general overview of the impact of fragmentation on various organisational entities. These were fragmented systems deliberately established to pursue a particular political dogma.

This is followed by a general discussion informed by a broad literature review that equipped this research with crucial information about fragmentation as a phenomenon. This section is therefore a theoretical analysis of fragmentation devoted to unpacking and understanding the concept. Although it is a general discussion, it demonstrates how fragmentation impacts on public institutions. A broad understanding of this phenomenon provided a basis for an examination of fragmentation and its impact on public institutions.

The examination of a variety of literature on fragmentation led to references to several sources. A comparative analysis of its effects on other areas provided relevant data for this study. Though some sources cited focus on fragmentation in natural and religious institutions, they provided a theoretical basis for this study.

The third part of this chapter outlines historical developments in the management of the public sector that led to the emergence of a new

public sector management approach — the new public management (NPM) approach. This was an approach that proposed radical changes and introduced new approaches to how public sector institutions should be managed.

The last part will provide and outline various theories, instruments and strategies that could provide possible solutions to the management of heritage. These strategies include cooperation, collaboration, partnerships, networks and integration. It is these strategies that can assist in establishing integrated management systems.

2.2 Fragmentation: South African Sources and Case Studies

South Africa has a history of institutionalised segregation, which was perpetuated by the apartheid system. This became a legitimate tool of governance that affected all sectors. This segregation had an enormous impact on public institutions and also influenced how heritage was managed.

The conservation of cultural heritage in a developing nation like South Africa should avoid fragmented management systems, which could have enormous resource demands. With a number of primary needs like food, housing and health, heritage is still seen as a luxury by those who have limited access to these basic needs. Therefore there is a need for a cost-effective system that would require fewer resources whilst promoting and enhancing efficiency in service delivery.

Appropriate instruments and tools must therefore be identified to promote uniform management systems.

There are numerous case studies of fragmented public institutions and their impact on service delivery. Reference is made to case studies that

demonstrate how segregation in South Africa has influenced the fragmentation of public institutions. Some of these case studies provide strategies that were adopted to resolve problems of fragmentation. These will be listed in the following paragraphs.

Hill (1964:1) argues that: "*The central aim of apartheid is eventually to develop the Reserves set aside for African occupation into self-governing states, colloquially known as Bantustans. In other words, South Africa's answer to the world's hatred of apartheid is to push it to its logical conclusion, which is complete separation of the races, both territorial and social*."

It was this aim that led to the promulgation of various acts, including the Bantu Authorities Act of 1951 (Act No 68 of 1951), which heralded the formation of tribal, regional and territorial authorities. These authorities operated in *Reserves*, which were demarcated according to tribal groups like AmaXhosa, AmaZulu, VhaVenda, Bapedi, BaSotho, BaTswana and xiTsonga as permanent residential areas for Africans.

Without going into details of the historical developments of this process to self-governing territories and later "independent" homelands, it is worth noting that it was this separate development that created and legitimatise fragmented institutional systems all over South Africa. Each homeland or territory had its own systems of governance, with various institutions.

The first example of fragmented systems is from a report by the Department of Transport, *Moving South Africa: A Transport strategy for 2020 - Cross-Cutting Issues*, which identified key strategic challenges in the management and use of roads.

These challenges emanated from the existence of various players — national, provincial, local, independent homelands and self-regulatory

Bantustans. All these had different jurisdictions with no common objectives and no shared basis for the prioritisation of investments.

The second example is a study conducted for the City of Cape Town for waste disposal management, which culminated in the formulation of the *Integrated Waste Management Policy of 2004.* When this study was conducted, the City had 69 municipalities and 17 administrations, a fragmented institutional structure. This had an impact on the management and delivery of waste services, as there was no common policy framework. It was the integrating of these different municipalities into one Metropolitan Council with a policy that regulated a structured and coordinated disposal management system which led to improved service delivery.

In the past decade, the City of Cape Town has seen developments such as the development of an Integrated Developmental Plan, which established a single, inclusive and strategic plan for the metro. Among other transformation steps taken was the institutional arrangement for solid waste services that produced a sustainable plan which complemented the Integrated Waste Management Policy.

The third example is the research paper titled, *Sustaining Online Learning during Times of Change through a Multi-Disciplinary Community Practice.* This paper describes how Durban had various institutions of higher learning with fragmented departments, faculties and campuses. Pete and Fregona (2004:3) described such conditions as symptoms of what they termed a distressed institutional landscape. Educators who are innovative are isolated, as there is no networking, nor is there sharing of information about their work. This results in low morale and de-motivation of staff.

But, following the democratisation of the state, the Durban University of Technology was established into one by a merger of seven institutions.

The fourth example is in the Department of Environmental Affairs and Tourism. In February 2004, the Department of Environmental Affairs and Tourism identified gaps caused by the various fragmented policies and legal tools in the conservation of the environment. This led to the development of a stocktaking report titled *National Biodiversity Strategy and Action Plan: Policy and Legal Strategic Priority Issues and Recommendations*, which was compiled by Lala Steyn and Stephen Berrisford and dealt with challenges facing invasive alien species management. According to this report, the causes of this problem were legislative and institutional fragmentation. Different departments had different legislative mandates. This report recommended the development of a strategy that would address this legal and institutional fragmentation.

The fifth example is in a paper developed by the Human Sciences Research Council commissioned by the Department of Arts and Culture (2006), titled *Cultural Diversity in Conflict and Peace Making in Africa*. The researchers concluded that African economies relied on exports of primary commodities and experienced internal and regional economic fragmentation. This fragmentation of state institutions neglected traditional conflict-resolution mechanisms beyond local level and has resulted in armed conflicts.

The sixth example is in the paper compiled by the Department of Water Affairs and Forestry (1994) titled *Water Supply and Sanitation Policy: Water — An Indivisible National Asset*. This paper highlights the problems in institutional arrangements created by separate development. Water was managed by fragmented institutions and departments, ranging from different houses of the tri-cameral parliament with their own affairs, homelands, provincial administrations, Regional Service Councils, parastatals, water boards and local authorities.

The seventh example is the *Limpopo Provincial Growth and Development Strategy (PGDS) for 2004-2014*, which is a document that was developed to deal with the divided former homelands of Lebowa, Gazankulu, Venda and Kwa-Ndebele, which were surrounded by the Transvaal Provincial Administration. In 1994 the province of Limpopo inherited these divided areas and their fragmented institutions.

The last example is in a paper titled *Opening up Spaces for the Poor in the Urban Form: Trends, Challenges and Their Implications for Access to Urban Land*, by Karina Landman and Nana Ntombela (2006). They argue that the pattern of spatial fragmentation highlights problems resulting from the fragmentation of urban communities. As a result, a united and collective sense of citizenship is limited. This is exacerbated by privatisation of the space of local management through home owner's associations (HOAs), resulting in micro-governments. The home owner's associations' hold on spatial areas leads to social exclusions, and has the potential to exacerbate conflicts.

These case studies highlight some challenges that South Africa encounters as a result of fragmented institutions. Indeed, there are numerous examples, but these will suffice for the purpose of this study.

The last case study is interesting and relevant to heritage management, as it highlights problems resulting from spatial fragmentation. In some parts of South Africa, the privatisation of space has serious implications and could lead to denial of access to heritage sites. Examples are heritage sites like the Cradle of Humankind in Gauteng and the Vredefort Dome in the Free State. Both sites are cultural landscapes with material evidence of late Iron Age people and hunter-gatherers of African descent, and are found on land owned by private landowners. Although these are world and national heritage sites, there is resistance from some landowners to open them to the public. They accept conditions from the national

heritage body, but have serious reservations about the world site conditions.

This creates a fragmented heritage management approach between SAHRA and the respective managing authorities of World Heritage Sites. SAHRA entered into a memorandum of understanding with landowners, whilst the managing authorities sought legal advice with the intention of forcing landowners to open the sites.

In most cases, institutional fragmentation emanated from and is exacerbated by some of these factors:

i.   Absence of coherent policy;
ii. Absence of an institutional framework with clear responsibilities;
iii. Overlapping of institutional boundaries and exclusion of many areas of great need;
iv. The failure to make resources available where they are most needed;
v.   Fragmented authority, inefficient alignment and unclear signalling and interpretation of national objectives and priorities;
vi. Insufficient capacity at provincial and local levels to plan effectively; and
vii. Lack of adequate funding.

As will be demonstrated later, these factors can be resolved by adopting various strategies.

The following section presents a description and analysis of fragmentation from various sources and perspectives.

2.3 Fragmentation

An extensive and broad literature review process was undertaken to augment the theoretical base of this discussion. It is this process that provided a comprehensive framework for an analysis of the topic.

This section cites sources that examine fragmentation from a broad and general perspective, ranging from the natural environment and political governance to religion. Sources from politics and religion have been cited due to the paradigm shift from 1994 in managing and conserving heritage. This new approach incorporated the liberation struggle history, which is a political and intangible heritage with spiritual connotations.

This heritage is associated with sites that are World Heritage Sites, National Heritage Sites and National Parks. These sites are governed by three regulatory frameworks – the World Heritage Convention Act (Act No 49 of 1999), the National Heritage Resources Act (Act No 25 of 1999) and the Protected Areas Act (Act No 57 of 2003) . Examples of sites that are protected by all three Acts are Robben Island, Mapungubwe, Table Mountain, Ukhahlamba-Drakensberg and the Cape Floristic Region.

Some sites are associated with struggle history and are places of massacres, such as Sharpeville and Langa; others are associated with liberation heroes like Mandela, Tambo, Hani, Slovo, Bhambhata, Makanda and others.

Some sites have spiritual meaning to some communities, like Bullhoek near Queenstown, sites of Xhosa cattle killing in the Eastern Cape and Afrikaner Concentration camps, to name the few. Heritage management and conservation systems must incorporate this new approach.

Most of the new spiritual heritage sites include lakes, rivers, dams, mountain, hills, graves and burial grounds. These sites have heritage of cultural significance to many communities, such as Thulamela in the Kruger National Park, the burial hill at Mapungubwe, the Kramats on the slopes of Table Mountain, the Xhosa graves on Robben Island and Mapungubwe hill. Again, these are examples of sites that are managed by three heritage legislations.

Moreover there are initiatives to re-interpret heritage sites and provide alternative narratives. Examples are the Castle of Good Hope and many other heritage sites, which for many years had a narrative and interpretation from one perspective. There are initiatives to use multidisciplinary approaches which use sources like oral traditions and indigenous knowledge systems to re-interpret such sites.

It is against this background that literature dealing with politics and religion has been cited, as it might provide useful information for the study.

This inclusive but comparative examination of literature from various authors supported the theoretical analysis of fragmentation. Some of these sources are articles and case studies that are relevant to the discussion. It was this broad philosophical and theoretical framework that provided an operational construct that served as a basis for critical analysis and discussion of institutional fragmentation and its impact on service delivery. It is theories from these sources that guided this study's approach to analysing institutional fragmentation.

Most of the cited sources focus on the impact of institutional fragmentation in natural resource management, as there is very little literature on its impact on cultural heritage management. This is an observation made by Saglie (2006:1), who argues that, because we

depend on natural resources for our survival and well-being, they are of crucial importance for human life, hence the interest in researching them. It is against this background that, for the theoretical analysis of fragmentation, this study refers to and relies on literature that explored fragmentation and its impact on institutions that manage natural resources.

According to Saglie (2006:1), the starting point for theoretical and empirical research is in natural resource management and planning with an increasingly fragmented institutional setting. She cites a fragmented management system that involves many actors, including the public sector, markets, civil society organisations and individuals — each with their own agenda, preferences, norms and working routines. Her interest was in how institutional fragmentation in the planning and management of natural resources by various bodies and parties can be managed through the development of networks and strategies.

Saglie (2006:1-8) goes further to illustrate the problems caused by the fragmentation of the institutions that she describes, namely that no one owns the problem and no one is taking responsibility for solving it. This is a problem faced by heritage institutions. It is a conundrum that is common in public institutions, particularly as they lack resources and time for coordination. She goes further and describes the extent of institutional fragmentation that creates what she terms collective action problems.

The pursuit of individual rationality creates a problem that results in situations in which there is no will for a collective understanding.

Saglie (2006:1) elucidates her point and identifies various causes of this problem, such as the public good problem, the tragedy of the commons and the management of common pool resources. She describes the latter as a natural and man-made resources system that is sufficiently large to

make it costly to exclude potential beneficiaries from obtaining benefits from its use. There are limited resources, but they are only made available for use by beneficiaries. This leads to the over-use of the resource, resulting in its depletion.

Those who have control over these resources respond by providing them at a price, thus indirectly preventing and excluding other beneficiaries. Excluding beneficiaries, or what she referred to as free riders, is costly and its consequences can be disastrous. In such a case, a collective approach to managing such a resource is vital to preventing its depletion.

Other authors approach fragmentation from a governance perspective. It was a shift in governance which took place in the late twentieth century that promoted fragmentation, a governance approach that went beyond formal structures and divided the participating actors, both inside and outside the formal allocation of power.

This approach has its challenges. For instance, actors with similar agendas tend to group and pursue their individual interests, thus excluding others.

According to Powell and Powell (1970:45), the consequences of this political system are a creation of divisions and sustained hostility amongst the various actors. This hostility leads to conflictual behaviour amongst the various actors, resulting in fragmented political/governance systems. Any fragmented form of management has a direct bearing on legislative frameworks that regulate how various public institutions should be managed.

Merha *et al*. (2003) provide a relevant example of how party fragmentation exists in the European Union, as only the traditional political parties in the European Union qualify to be European parties,

whilst other political forces represented in the European parliament — radicals, right wingers, Gaullists and communists — have till now not been in a position to organise themselves in this manner, since they are generally caught up with domestic issues. They have no desire for trans-national integration due to ideological and political compulsions.

To resolve some of these fragmented political/governance systems, Bach (1999:23) suggests regional identity with definite collaborative strategies as a possible solution. But he concedes that fragmented nation-states battled to promote regional integration. He cites an example and argues that the strong nationalist tendencies of Southern African states make a regional identity impossible, as national concerns precede regional concerns. He blames this on the absence of regional identity and integration.

Paddison (1983:147) concurs with Bach (1999) and argues that it is the spatial disparities in fiscal resources that lead to territorial fragmentation, which has a direct effect on the collective management of institutions.

These political case studies are relevant to heritage institutions, as lessons learnt from the decentralisation of the public sector can provide useful tools for heritage institutions.

Other useful sources that assisted the current study in unpacking this phenomenon were obtained from literature that analysed the impact of the fragmentation in Christian churches or religion. These sources provided the study with a comparative examination of fragmentation in Christianity in comparison to heritage, as heritage has spirituality and can invoke emotions. It is this point that compelled the study to cite sources that describe fragmentation from the perspective of Christianity. A few examples will be cited in the following paragraphs.

As an institution, Christianity was the subject of study of many scholars who pursued research on institutional fragmentation. Wilson (1997:38) argues that the fragmentation of the Church in the West was caused by its entanglement with the fragmented larger culture. It was a fragmented social fabric that affected the moral life of the Church. This is a social practice resulting from the fact that individuals live fragmented lives, and the Church must recognise this dynamism of fragmentation.

Another case study of fragmentation in Christianity is provided by Lakeland (1997:14) in his description of Christianity in the post-modern world. He argues against the fragmentation of theological teachings and frowns at those who separate Christianity from science. He argues that theologies should not see redemption as only for the human race, but as something integral to the entire universe, including other life forms.

Heritage, like Christianity, is spiritual and can be emotive. Therefore, like churches, heritage institutions manage one sacred and spiritual site in various ways. For example a church, synagogue, mosque, or a sacred space has a spiritual value to respective people. For the surrounding communities in Mapungubwe the site is sacred and a spiritual site and not everyone should be allowed to climb to the top. Institutions like SAHRA recognise and have prescribed the spiritual significance of the site and respect for the sacred right and values of these communities. But, as a World Heritage Site there is a need for research and tourism, which the World Heritage Convention prescribes. For the latter, climbing up to the top is integral to Mapungubwe's management. On the other hand, for SANParks, which is responsible for nature conservation, protecting the flora and fauna is critical.

Bynum (1991:11) also added his view and recounts how the monk Guirbert of Nogent expressed horror at the practice of moving and dividing the bodies of saints. According to Bynum (1991:11), Guirbert

considered this fragmentation as the ultimate insult and scandal in Christianity.

The relevance of citing sources dealing with religion lies in their relevance to the management of sites associated with an intangible heritage that is spiritual in nature. This is illustrated in the following example.

The hill in Mapungubwe is sacred to some communities and the sight of any animal, such as a baboon or an owl, which are both associated with witchcraft, can incite rage or suspicion. Their appearance is like an omen and could result in the killing of these animals. Such a response could be understood by a cultural heritage practitioner, whilst a conservationist would be outraged by the killing of animals in a national park.

Heritage management, interpretation and what should be conserved, is largely influenced and determined by families, communities or societies. This practice is also experienced in religion. Both heritage and religion are spiritual and emotive phenomena. Different groups attach varies meanings and significance of what, how and why certain life-views or beliefs must be promoted. These life-views and beliefs are attached to material objects as symbols which affirm these beliefs. This creates diverse and varied conservation management practices, resulting in fragmented management approaches. It is these group dynamics that complicates heritage management.

It is these varied responses from different heritage practitioners that provide an illustration of different management approaches influenced by fragmented systems. These different management approaches to a multi-faceted site result in different regulatory frameworks, which create fragmented management systems.

From the descriptions of and assessments by various authors with diverse perspectives, it is evident that fragmentation has conspicuous and obstinate consequences. Most of the sources cited describe fragmentation as a superfluous phenomenon that has, in most cases, a negative impact on the management of public institutions.

With an ever-increasing demand for services, competition for scarce resources, lack of capacity and limited skills in relation to the ever-increasing demands to deliver services efficiently and effectively, practical solutions are vital in solving the problems facing public institutions.

Heritage institutions are also expected to manage heritage efficiently and effectively. It is critical that practical solutions to promote integrated management systems be investigated and implemented. The new public management approach offers a course of action. It is an approach that provides the public sector with various theories, strategies and instruments.

2.4 New Public Management Approach

The enormous pressure in the 1970s and 1980s for the public sector to respond to increasing demands by taxpayers led to a neo-liberal approach, new public management (NPM), which replaced the old, traditional bureaucracy propagated by Max Weber. The new public management approach introduced various theories and strategies for effective and efficient public sector management. These strategies were developed and also had an impact on the management of public sector institutions, as their emphasis was to build a public sector that was effective, efficient and responsive to citizen's needs.

According to Bartley & Larbi (2004:13) the public sector has borrowed from the private for-profit sector a set of particular management approaches and techniques.

Bartley & Larbi, (2004:33) argue that; "*The implementation of policy was according to a bureaucratic ethic of neutrality and impersonality, without regard to the personal preferences of post-holders. This thinking forms the basis of the traditional or 'old public administration' which has been the object of the new public management reforms.*"

This section will present an argument that supports the NPM approach and the application of the reforms it proposes for improving the operations in the public sector. Rhodes (2002:219) argues that for governance to be effective, there must be a re-examination of what he termed 'government's tool kit'.

It is an approach that led to the development of alternative management tools and instruments that were designed to improve the operations of the public sector. Salamon (2002:1) argues that basis of these reforms have been the *fundamental transformation* not only in the *scope and scale of government action,* but in its forms which led to a massive proliferation in the tools of public action, in the instruments or means used to deal with public problems*.* Although it was an approach which borrowed private sector strategies and approaches, the public sector embraced these tools and instruments.

Most importantly, this approach was based on fundamentals of liberal principles — accountability, transparency, efficient service delivery and customer/citizen satisfaction. This was an approach that advocated sensitivity and responsiveness to diverse cultural needs. According to NPM, the functions of the public sector should be streamlined so as to deliver services to citizens within set timeframes.

This neo-liberal approach also proposed a whole series of reforms, with emphasis on the decentralisation of the management of public services; the creation of executive or autonomous agencies; emphasis on performance; and contracting or outsourcing functions or services. Reinventing, downsizing, privatising, devolving, decentralising and deregulating the public sector were critical to its success.

One of the proponents of this neo-liberal approach was Manning (2001:298), who, in his paper titled *The Legacy of the New Public Management in Developing Countries*, argued that changes in the public sector can only be realised by introducing radical public sector reforms. These include adopting a private sector approach based on competition and market-orientated reforms.

Manning (2001:306), argues that this management approach propagates and puts emphasis on the promotion of public participation, with special attention to collective planning and access to information by all citizens. Services must be provided to all citizens, and this can be achieved by easy access to information and providing citizens with choices. These can only be realised by adopting an integrated and interactive management approach, vital to a developing and welfare state.

On the other hand Brown (2005:39) explains the significance of understanding internal organisational dynamics and organisational cultures. He argues that organisations have different types of cultural patterns, which differ in terms of how they establish coherence, coordination and mystery. These patterns determine how organisations deal with others including their resources and how they understand their operations. If these patterns are not addressed, they can lead to institutional fragmentation. It is against this background that the impact of a complex, fragmented and disintegrated system must be reviewed.

Understanding these organisational dynamics and cultures is imperative for those who manage the public sector, and is critical for public institutions, whose role is to deliver and provide services to citizens.

Minogue (1998:29) concurs with this view and argues that public organisations have their own internal interests, with rigid bureaucratic cultures, and are therefore not responsive to the needs or preferences of the citizens or ordinary people who expect services. They will therefore advance their needs through their internal operations.

With competition as the basis of these public sector reforms, the temptation for public sector institutions is to compete and out-perform each other so as to get more recognition and resources. If competition is not regulated it can force institutions to introduce systems and procedures that promote individual interests and resource monopoly, thus enhancing eccentricity. Rather than collaborating, they compete and have a propensity to isolate others. This occurs despite public policy frameworks than encourage inter-agency/institutional collaboration.

The consequences of introducing the NPM approach led to the decentralisation of the management of the public sector. Different organisational forms emerged be they as executive or autonomous agencies and corporate organisations. These autonomous agencies were established to implement government policies. This decentralisation led to the agencification of public institutions, with various regulatory frameworks and managing authorities. This, in one way or another, impacted on institutional fragmentation. Decentralisation saw a proliferation of contradictory regulatory frameworks, creating organisations with complex internal dynamics.

But Manning (2001:297) argues that the success of NPM is very partial and it changed debate about managerial history hence conclusions are drawn the lack of conclusive criticism from evaluators. He goes further and argues that the NPM's direct contribution to the public sector has 'significantly' altered the public management debate for governments and for developing agencies and opened interesting possibilities. It is about doing things differently and better and provides what he terms 'a menu of choices' rather than a single option.

Pollitt and Bouckaert also concur, in an article titled *Evaluating Public Management Reforms: An International Perspective* (2003:28), argue that the success of the new public management approach depends on understanding its challenges, but also embracing the many variables and reforms that were vital to bringing and guiding changes in the management of the public sector.

Indeed like any other strategy the NPM approach with its reforms has its shortcomings. The support for NPM approach in this study is based on its success in stimulating debate. It is this debate that will result to a fundamental political decision to change the management approach in the public sector. It is a fact that public expectations in developing countries are fundamentally different from the OECD countries where NPM reforms introduced debates and some changes. The assertion in this discussion is that, if carefully applied with appropriate tools in South Africa, the NPM approach can improve operational efficiency in the public sector. Manning (2001:207) provides pathways to change and state that capable and motivated government are a 'movement towards improved operational efficiency and service quality achieved through NPM- but also traditional administrative reforms'. South Africa has a capable and motivated government to improve operational efficiency and service quality and can employ these NPM reforms.

These reforms included theories, instruments and strategies that will be discussed in the following paragraphs. This discussion will investigate how public institutions managing heritage can use these NPM reforms. Can they be aligned by formulating systems and approaches that would suit their specific needs?

2.5 Theories, Strategies and Instruments

Each of the theories, strategies and instruments will be analysed to examine their applicability in addressing institutional fragmentation. They will be presented in the following paragraphs. They have been used to address public problems and to improve the design and management of public problem solving. They provide a useful foundation on which to build integrated and effective management systems.

Theories

Network theory is an approach that shifts the focus from the internal workings of a public organisation to the networks of actors they increasingly depend on. These actors indirectly introduce tools to the operation of public programmes, such as new goals, operating styles, skills, worldviews, incentives and priorities.

According to Klijn (2003:31) the perspective of networks in governance is based on the inclusion of external actors to achieve the desired outcomes. This approach focuses on the action of a network of actors.

Borzel (1998:253) argues that concept networks is defined and used variably by different disciplines. The share common understanding; minimal or lowest common denominator definition of a policy network; has a set of relatively stable relationships which are non-hierarchical; have interdependent nature linking a variety of actors who share common interest in policy; exchange resources to pursue these shared interests; cooperate to achieve common goals.

Niemi-Iilahti (2003:61) concurs and state that network is a concept that is ambiguous and has different meanings in different context as they are not organisations but can turn into organisations with formalised units, distinct resources of power and methods of control with a wider social significance than networks.

O' Toole *et al*. (2002:361), provides a comprehensible outline of managing implementation processes in networks. According to them the network theory has two critical strategies for it to succeed. These are:

i. voluntary cooperation involving the integration of various parties to deal with a problem; and

ii. a mixed-motive and multi-level system which has various networks by different organisations and managers with different levels to cooperate in problem-solving.

Networks represent tools that require organisations to have a clear understanding of the commonalities of various network arrangements, and that propagates the establishment of interdependencies between public agencies and a host of third-party actors. A variety of complex exchanges come into existence between government agencies and various public and private institutions. These are then included in the operation of public programmes. The traditional public administration, with internal operations of the public agencies — their personal systems, budgetary procedures, organisational structures and institutional dynamics - becomes far less central to programme success. These procedures and routines only serve to link and coordinate the daily operational decisions of individual actors within separate service agencies.

The implementation of the network theory, like any other policy network, has a pattern of linkages between organisational actors who are in some way interdependent. The networks are intended to be instruments for

mobilising the energies and efforts of individual actors to deal with the problem at hand. This requires bargaining, which leads to compromises, agreements and consensus by all parties. In some cases a series of compromises may threaten problem-solving efforts — what is called a mixed-motive network. In these cases it is vital to change the perspectives and shift the views of the actors.

According to Wollmann (2003:596), there would be competing claims from other organisational actors for a share of the organisation's resources at the operating level. It is critical that the agency's commitment to the networked service or activity be asserted and successfully defended. This commitment must be translated into concrete operational activities by all the participating organisations.

Those using networks are cautioned against being overzealous in problem-solving by relying solely on networks, as they do not remove formal organisational, jurisdictional or governmental boundaries, or these become inoperative and irrelevant.

2.6 Strategies

The first strategy is *coordination*, which facilitates the alignment of regulatory systems, guidelines, policies and procedures when managing an organisation. Wollmann (2003:594) describes coordination in its process dimension, as the attempt to optimise the coherence and consistency of political decisions as well as policy implementation.

This coordination of regulatory systems must not be contradictory, but rather complimentary so as to streamline regulatory mechanisms. If government's vision is championing sustainable development in order to improve the lives of its citizens, institutions must also align their strategic

mission and operations to this vision without reneging on their legislative mandates.

In most cases, fragmented institutions are governed by various legislative frameworks with contradicting policies. Wollmann (2003:45) proposes coordination as a possible solution to public sector problems and describes it as a strategy to use in implementing political policies consistently. His idea is that coherent organisational principles are critical in intergovernmental coordination. Other intergovernmental coordination processes are influenced mainly by the decentralisation and liberation of the public sector which involves different actors, including private actors.

For coordination to succeed, Wollmann (2003:183) suggests modality patterns of coordination. These modality patterns are significant in coordination and must be clearly understood. They are distinguished as hierarchy, network and market.

i. Hierarchy ensures coordination across policies, across actors and across levels. Hierarchy is an internal bureaucratic pattern of public organisations. It therefore is essential that it is understood and accepted, as the success of coordination depends on approval by seniors.

ii. Networks are critical in addressing the problems resulting from institutional fragmentation. Networks are configurations in which actors should find themselves in a situation of parity or on an equal footing. All role players must be assured of their areas of specialisation.

Wollmann's (2003) assertion is that networks are formed and maintained voluntarily. They are based on shared values, trust, solidarity or consensus. This point is very relevant to this discussion.

O' Toole *et al*. (2002:354) advise that, when implementing networks to deal with a problem, they should be used as instruments to mobilise individual actors*.* This requires sharing and coordination of the management of multiple parties at different levels of government. Using networks might sometimes not be functional in all phases in the management of implementation. On these occasions, it is recommended that research be used to develop a common purpose in all participants.

iii. Markets are a useful resource and provide incentives for actors to collaborate. They can play a critical role in promoting and sustaining collaboration between heritage institutions. With limited resources, efforts to sustain these collaborative initiatives must be harnessed.

The second strategy is *collaboration*, an effective strategy when dealing with institutional fragmentation. Hudson *et al*. (2002:325) state that although inter-agency collaboration in the public sector has been a difficult strategy to achieve, let alone comprehend, governments are still pursuing it and various experts are investigating practical and effective strategies for its application.

Hudson *et al*. (1997:327) developed ten components of collaboration. These are:
i.   contextual factors, expectations and constraints;
ii. recognition of the need to collaborate;
iii. identification of a legitimate basis for collaboration;
iv. assessment of collaborative capacity;
v. articulation of a clear sense of collaborative purpose;
vi. building up trust from principled conduct;
vii. ensuring wide organisational ownership;
viii. nurturing fragile relationships;
ix. selection of an appropriate collaborative relationship; and
x.   selection of a pathway.

Once expectations and constraints have been agreed on, the need to collaborate has been recognised, a legitimate basis for collaboration has been identified, collaborative capacity has been assessed, and a clear sense of collaborative purpose has been articulated, it will be easier to reach consensus.

Critical components in collaborations are: building trust from principled conduct; ensuring wide organisational ownership; nurturing fragile relationships; and selecting an appropriate collaborative relationship.

But, according to Hudson *et al*. (1997:329), collaboration has its challenges and complexities. These are:

i. Managing collaborative aims - all parties/partners must have a common, agreed and clear set of aims, with all partners bringing their resources. Transparency and honesty are critical and individual agendas must be discouraged.

ii. Managing language and culture, as each partner has its organisational culture, which can result in misunderstandings. If not managed properly, this can frustrate the collaboration process.

iii. Managing trust and power, which requires sound power relations. All partners must have trust in the process.

Another important factor that needs careful attention is the collaborative approach, which involves balancing autonomy and accountability; managing tensions surrounding democracy, equity and credit sharing; and managing appropriate working processes. Uncertainty on these issues can lead to tension amongst the collaborating partners.

The third strategy is *networking* which is closely intertwined with collaboration, which is critical in addressing institutional fragmentation. Wollmann's (2003:595) assertion is that networks are formed and

maintained voluntarily. Like in other strategies they are based on shared values, trust, solidarity or consensus. This point is very relevant to this discussion.

O' Toole *et al*. (2002:354) argue that, when there are problems, implementation networks should be used as instruments to organise various role-players to deal with the problem. They argue that, to alleviate these problems, amongst other instruments and tools there are interdependent management activities segregating functional networks to different hierarchical levels. These are as follows:

i. A need to develop policies or strategies that will support integration at the service and programme implementation level. To reach consensus and shared responsibilities, institutional programme interface must take place at the executive decision level. Officials with authority to commit their organisations must guide the process by framing the parameters of the integrated effort. The proposition is that heads of departments or the top staff at the apex of an agency must meet on an equal footing and decide which organisational commitments — money, information and people — will be made to support integrated effort.

ii. The creation of operating plans and programmes that provides the framework for case-by-case service-level integration. Such programming decisions are as a result of strategic choices of executives, whilst senior staff provides details and agency domain problems relating how each integrated policy element is to be executed.

iii. The development of the system of local contacts and   interfaces at the level where the client potentially receives services*.*

iv. The interaction of services manifests itself at the delivery level through the creation of various systematic linkages, such as linkages between management, information and referral, interagency agreements, access to other needed services, and client monitoring.

The fourth important strategy is using *partnerships*. Lowndes and Skelther (2002:303) argue that partnership as an organisational structure is analytically distinct from networks as a mode of governance — the means by which social coordination is achieved. For partnerships and other forms of social coordination to succeed, networks, hierarchies and markets should be used.

They go further and motivate multi-organisational partnerships and list a number of factors and advantages of partnerships.

i. Multi-agency partnerships in an attempt by public institutions for integration in an increasingly fragmented organisational landscape.
ii. This approach provides strategic direction and coordination in fragmented environments.
iii. Complexity and intransigence of 'wicked issues', which can be resolved by combining resources from various providers and interested groups.
iv. Tidy hierarchy of public bureaucracy to be reconfigured to establish lateral, diagonal and vertical relationships with other bodies operating at different tiers and associated policy fields.
v. Forming a strategy that facilitates local decision-making processes to allow the participation of interest groups and community bodies in decision making.

Lowndes and Skelther (2002:302) outline the benefits that collaborative, inter-agency partnerships can offer as a means of achieving public policy goals. They argue that collaborative partnership is advantageous and presents an attractive alternative to the market. It is a strategy that has been used in many parts of the world for many years.

They argue that organisations have originated from two organising principles: competition and collaboration.

The latter is the focus of this discussion, with the collaboration theory characterised by the notion of synergistic gain and programme enhancement from sharing resources, risks and rewards. Collaborative partnerships provide organisations with an opportunity to enhance their outputs and maximise service delivery.

According to Lowndes and Skelther (2002:304), for partnerships to function effectively some conditions should be met. These are:

i. key players have identified a single issue as being more important than others so that competing demands can be ignored;

ii. the collaboration is on a specific project with a defined end output, rather than on strategic issues or having an expectation of a long-term relationship;

iii. there are only a small number of partner organisations — especially if individuals concerned have a good relationship or have worked successfully together before; and

iv. involvement requires partners to give little away.

Therefore, making partnerships work requires a sophisticated approach that requires partners to have competent and committed individuals to champion and nurture them. Lowndes and Skelther (2002:316) provide governing principles that are essential for partnerships to succeed. These are:

i. citizen engagement through consultations with a varied number of stakeholders and their participation in decision-making;

ii. transparency, by disseminating information to all stakeholders for them to monitor development, thus develop trust in the process;

iii. accountability to stakeholders and demonstrate performance;

iv. equalities and social inclusion of stakeholders in contract specification and seeking innovative ways of improving performance against agreed principles;

v. ethical and honest behaviour, by adhering to professional codes. These are to be accepted as core values by all partners;

vi. equity, which should underpin organisational procedures and each partner should adhere to these values;

vii. willingness and ability to collaborate which are essential an organisational relationships amongst all partners;

viii. ability to compete by all partners;

ix. leadership in all levels of the partnership, which is vital and must be timely, accurate and efficient; and

x. sustainability which requires conformity in seeking improved ways of the sustainability of policies and activities by all stakeholders.

These principles are vital for the success and sustainability of partnerships. According to Bovaird and Löffler (2003:213) it is these principles that must be central in public governance issues for partnerships to be accepted by those stakeholders who are still not comfortable with collaborations. It is only then that partnerships can be functional in the public domain.

Buxmann *et al*. (2004:3) propose fundamentals for partnerships to work. They recommend that there must be rules for cooperation; partners must agree on some basic issues, like rights and obligations, how to share information; and stipulating how this information will be used.

Another important factor that needs careful attention is the partnership structure, which involves balancing autonomy and accountability; managing tensions surrounding democracy, equity and credit sharing; and managing appropriate working processes. Uncertainty on these issues can lead to tension amongst the partners.

On his side, Bovaird and Löffler (2003:211) provides a complementary approach that explores working arrangements based on a mutual

commitment between partners and recommends the participation of private sector organisations. His belief is that public-private partnerships must solve the problems of the public sector.

According to Bovaird and Löffler (2003:218), when forming the private-public partnership structures it is crucial to guard against ambiguity, complexity, dynamics and other structural features that can frustrate partnerships. The membership, status and responsibilities of the partnership must be clearly stipulated. The structure of these partnerships must not be so complex that the individuals involved are uncertain and confused about their roles and participation. An ambiguous and complex structure tends to be dynamic, resulting in changes either in representatives or organisational goals. Such dynamics can benefit or destroy partnerships.

Bovaird and Löffler's (2003) view is supported by Radin (2003:6-7), who argues that the landscape of the public sector has changed several aspects, which are different from the beginning of the 21st century.
It is these aspects that have contributed to intergovernmental management.

Radin (2003:6-7), suggests changes in these areas:
i. shifting policy boundaries;
ii. shifting views about the role of government;
iii. interdependence between levels of government;
iv. public-private interdependence and a focus on performance; and
The need for new management skills and the international expression of these changes.

2.7 Instruments

Radin (2003:610-616) categorized these instruments into four, namely the structural, programmatic, research and capacity building, and behavioural. Each of these categories is broken down.

i. Structural incorporates reorganisation; commissions; coordination; deregulation; devolution and decentralisation; regulation and oversight.
ii. Programmatic includes the shift toward broader purpose grants; partnerships; collaborations.
iii. Research and capacity-building instruments incorporate research; the provision of information; capacity-building;
iv. Behavioural instruments of intergovernmental relations have conflict management; individual communication; group communication as components.

These intergovernmental or institutional management instruments are critical for networking and collaborations between public institutions so as to maximise service delivery. They provide for the role of policy makers or political office bearers, a critical factor in all levels of governance.

The applicability of these theories, strategies and instruments to institutional fragmentation in heritage management will be outlined in Chapter four.

2.8 Summary

The literature review with case studies has provided a theoretical base for a broad comprehension and analysis of institutional fragmentation. The philosophical debates by various scholars have equipped this study with a framework that guided the approach to this topic. Literature about fragmentation from various fields of studies, have assisted in guiding this

study to construct a logical analysis of this important phenomenon - fragmentation.

This section presented diverse but relevant information collected from different sources. Reference to all this material supplemented the study with a point of departure, a hypothesis that identified fragmentation as a problem for heritage institutions. These sources therefore facilitated the construction and development of ideas on how to deal with the problem statement. This conceptualisation ushered in a discourse and directed the line of reasoning in unpacking the phenomenon.

The introduction of the new public management approach opened a new chapter in the administration of the public sector.

This approach introduced a range of tools and instruments that were to alter the organisation of public management. It brought a radical system and introduced a paradigm shift from the old public administration, ushering in a new approach to public management. This was the genesis and the period of the new public sector management geared to improve service delivery.

This was an approach that encouraged citizens to call on government to be politically accountable for its operations in public administration. It can be realised if legal regulations and administrative activities are in place. This will assist parliamentary democracy in controlling its administration.

This section also outlined and described theories, instruments and strategies that can be used to overcome challenges posed by institutional fragmentation. Various authors and scholars introduced wide-ranging theories that are vital and provide possible solutions for institutional fragmentation. These are principles that would shape the public sector ethos, thus instilling commitment, responsibility and accountability. It is

principles that promote an efficient and effective organisational culture that is designed to maximise service delivery to the satisfaction of the citizens.

In addition to these theories, strategies and instruments to recuperate failures in service delivery as a result of institutional fragmentation have been suggested. These strategies include critical tools like networking, coordinating, cooperating, integrating, collaborating and partnering.

It is evident that, with all these theories, strategies and instruments, most problems created by institutional fragmentation within heritage institutions can be resolved. Salamon (2002:7) argues that new opportunities have been created by the proliferation of these new tools to tailor public action to the nature of public problems. Apart from implementing these new tools De Leon & Overman (1998:496) recommend a marriage between policy and management as the former is a form of strategic management with a focus on the total organisation.

Whilst the NPM reforms cannot be the only solution to all public sector problems, the proponents of this approach argue that it does provide 'a menu of choices rather than a single option. The NPM reforms and the listed theories, strategies and instruments introduce a management culture and reorientation that put emphasis on: centrality of citizen; accountability for results; structural or organisational choices that reflect decentralised authority and control; a wide variety of alternative service delivery mechanisms; improved responsiveness to various stakeholders; improved operational and the efficiency; and creation of semi-autonomous agencies for an effective and efficient service delivery.

In the OECD countries the NPM approach has stimulated debates about improving the functioning of the public sector and introduced reforms. Proponents and critics continue to discuss the merits and demerits of this

approach but developing countries like South Africa should also be engaging in these debates, investigate reform and their applicability and where appropriate adapt and implement. Minogue (1998:33) suggests that the NPM is a model that must be adapted to different administrative and political contexts and should not be applied inflexibly. Their applicability in the heritage sector will be discussed in Chapter 4.

The next chapter will provide the context in which heritage is managed, and describe the institutions that are involved and the different legislation governing them.

CHAPTER 3

CONTEXT: INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

"The ruling paradigm - that we can optimize components of a system in isolation of the rest of the system-is proving inadequate to deal with the dynamic complexity of the real world. To consider one in isolation of the other is to come up with a partial solution that can lead to bigger problems down the line." Walker and Salt (2006:38).

3.1 Introduction

This chapter will provide and describe regulatory frameworks within the heritage institutions and demonstrate how these complex and contradictory systems and processes impact on service delivery. These frameworks were developed within the context of a changing public sector management approach. The management and conservation of heritage has a direct impact on socio-economic development and could hamper growth and upset livelihoods. Whilst it is vital to conserve and protect the country's heritage, social and economic needs in a developing state cannot be ignored. Such systems can be realised through sustainable development that strikes a balance between conservation and development.

The first section provides a broad historical account of how the White Paper titled *Arts, Culture and Heritage* was developed. It will provide an insight into what transpired and how these developments led to the current systems. The discussion highlights some of the political processes that influenced and determined what to transform and the processes to be followed.

Following South Africa's democratisation came the development and formulation of policy documents that later became White Papers. An

observation made by Brynard and de Coning (2006:181). These White Papers suggested the restructuring of old institutions and the establishment of new ones to be in line with the demands of a new state. The biggest challenge was the implementation of these policies. The Arts, Culture and Heritage White Paper listed institutions as organs responsible for arts, culture and heritage, and promulgated acts to govern them.

A historical overview of the process that led to the establishment of two heritage institutions will be provided, and their statutory and legislative functions and duties will be outlined.

This chapter also provides a detailed description of the current legislative requirements, responsibilities and functions of cultural heritage institutions, and how they carry out their mandates. An overview of the functions and organisational structure of heritage authorities is provided.

3.2 Historical Institutional Development

This historical background is explored to establish the impact and influence of fragmentation on the legislative frameworks governing heritage institutions.

At the beginning of the 20th century, South African heritage was dominated by a European heritage associated with certain figures, for example the statues of King George, Prince Edward, Lord Charles and Queen Victoria; the graves of British soldiers; street named after British kings and queens; architectural designs associated with English architects; battlefields associated with the Anglo-Boer Wars; shipwrecks associated with the Dutch marine forces; beacons associated with the Portuguese; cultural landscapes discovered by the Spanish; bridges and tunnels built by Italians; artefacts discovered by Germans; and many more. All these were given recognition and protection under the National Monuments Act,

No 28 of 1969, and South Africans commemorated and celebrated this as part of their heritage.

The tangible, particularly the built heritage of the indigenous peoples was marginalised and neglected, which resulted in the belief that it is not worth conserving.

This institutional cultural heritage conservation in South Africa started at the beginning of the 20th century. The creation of the first conservation pressure group in the first decade of the century led to the development of an effective system of heritage conservation.

A pamphlet developed by the National Monuments Council, titled *Milestones in Heritage Conservation: Take Care of Your Future Look after Your Past*, narrates the development of conservation in South Africa. According to this narration, there was a move in 1904 to partially demolish the Castle of Good Hope in Cape Town to make way for the railway. At the same time, there were plans to make alterations to one of the most important built structures in Cape Town, the Groot Constantia homestead. In 1909, a small group of prominent citizens of Cape Town formed the first conservation organisation, the South African National Society (SANS).

The South African National Society's Rules and Regulations were to preserve all ancient monuments of old colonial architecture in South Africa, and to keep the conservation spirit towards the remains and traditions of old Colonial life. This Society included a wide range of conservation matters, from cultural to natural conservation matters, which included exhibitions of antique furniture, wild birds and flowers, protection and restoration of historical buildings, and the railway on Table Mountain. They campaigned successfully for legislation to protect rock art and archaeological sites.

In 1911, heritage conservation legislation was promulgated, namely the Bushmen Relics Protection Act No 22 of 1911, which prevented the damaging and destroying of rock art and archaeological sites and relics.

In 1923, legislation was promulgated to protect monuments, the Natural and Historical Monuments, Relics and Antiques Act, No 4 of 1923. An official body responsible for heritage was established and was called the Historical Monuments Commission. It was empowered to compile a register of monuments and could pass by-laws to safeguard monuments.

In 1934, the Natural and Historical Monuments, Relics and Antiques Act was amended and the Historical Monuments Commission was given increased powers to protect heritage. The Commission could now recommend to an appropriate Minister to officially proclaim a monument by notice in the Government Gazette and by endorsement of the Title Deeds.

After 1948 there a massive 'reproduction' of Afrikaner heritage, with statues, streets and places of Afrikaner leaders covering the entire South African cultural landscape. These included names such as Kruger, Smuts, Hertzog, Malan, Verwoerd, Voster and many others.

The economic boom in the 1960s saw an escalation of new, modern developments, while at the same time there was an increasing interest in cultural heritage. New conservation bodies like the Simon van der Stel Foundation, the Vernacular Architecture Society and Historical Homes of South Africa were formed. These organisations campaigned for new legislation to protect cultural heritage and, as a result, the National Monuments Act, No. 29 of 1969 was promulgated and a statutory body called the National Monuments Council was established. Under this Act,

the National Monuments Council was given additional powers to protect monuments by declaring them national monuments.

By 1993, the register of the National Monuments Council listed 4 000 declared National Monuments and very few of these celebrated the cultural heritage of the indigenous African people. This was a step towards recognising heritage that was previously ignored.

This was a cultural heritage practice that sought to reverse the marginalisation of the heritage of indigenous people and the majority of people in the country. This was encouraged by heritage practitioners, academics through their academic research, objectivity and commitment to upholding justice and fairness.

Indeed, there were whites, both English and Afrikaans heritage practitioners, who also were opposed to the marginalisation of the indigenous heritage and history. An attempt was made to include heritage resources that were marginalised in the mainstream conservation practices.

3.3 Institutional Restructuring

The fight against segregation and apartheid was also aimed at forcing the then dominating cultures to accept, acknowledge and restore the heritage of the black majority.

Throughout the history of the liberation struggle there was a conscious effort to promote this heritage, with leaders like Steve Biko focussing on consciousness-raising for blacks, supported by the Azanian Peoples' Organisation and partly by the Pan-African Congress. Political and cultural organisations like the African National Congress, Inkatha Freedom Party and other cultural movements also cherished this ideal, but included all

South Africans, both black and white. It was largely within the political movements that cultural heritage was promoted.

Whilst cultural heritage is not a basic need like housing, health, and food, it plays a significant role in nation-building and reconciliation. The poor conservation of cultural heritage has a potential to spoil and weaken the fragile democracy that all South Africans are nurturing. It is a fact that cultural heritage is a contested and sensitive terrain and its management and conservation should be treated with great caution.

3.4 Policy, Legislative and Institutional Development

The un-banning of the liberation movements and of the African National Congress (ANC) in particular in anticipation of the transformation and restructuring of the public sector, established various portfolios to draft discussion papers to guide the process of policy formulation. It was these policies that directed and provided a framework for the development of various new legislations. These draft documents were presented during an ANC policy meeting that was held in Bloemfontein in 1992.

The cultural desk of the ANC which was a portfolio established to encourage communities to promote culture, also identified a need to include heritage, with a focus on museums and national monuments in their discussion document. A group of heritage practitioners, mainly from the heritage sector, were invited and requested to draft a discussion paper on heritage. This group was later appointed as a task team called ACTAG, which stand for Arts and Culture Task Group, and they develop a draft document. This document spearheaded the development of a White Paper in 1996, titled *Arts, Culture and Heritage: All Our Legacies, Our Common Culture*, which was presented in the policy meeting of the ANC and was adopted as a working document.

Figure 1: Map of South Africa
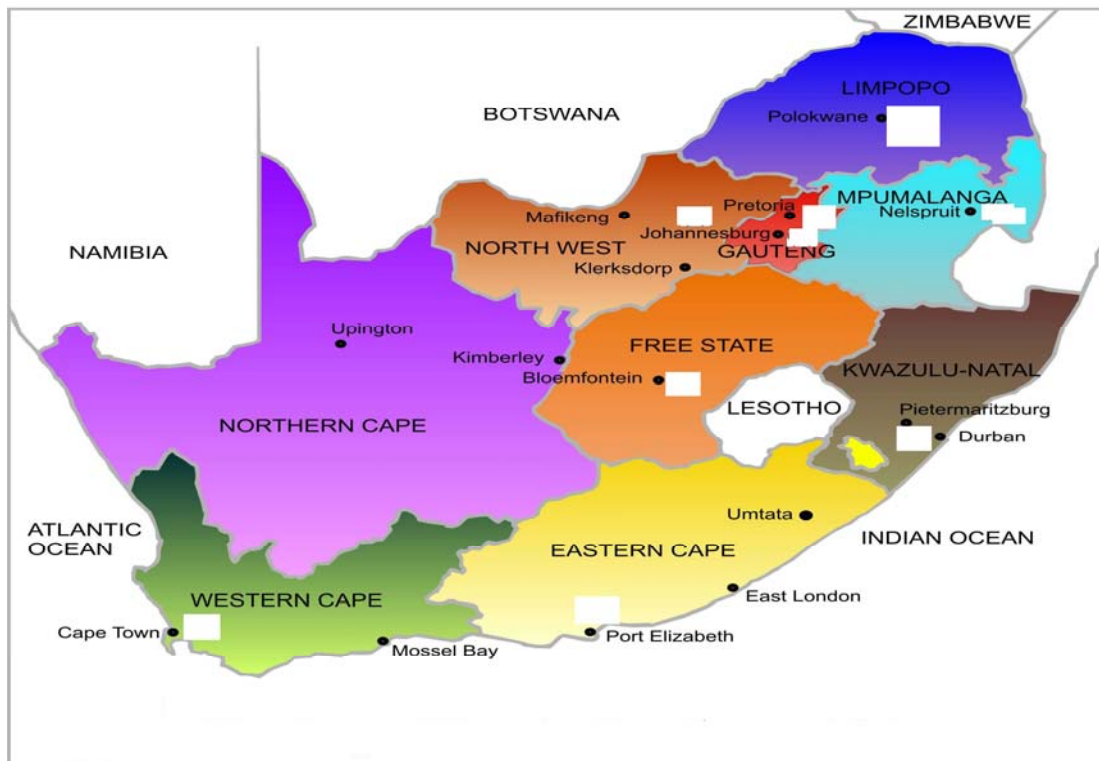
The dawn of democracy provided an opportunity for this ideal to be realised. The ushering in of a democratic state brought along radical changes, which led to the transformation, restructuring and realignment of state organs in all spheres of government. An important milestone in this process was dividing the country into nine provinces and culture was to be a shared competency between national and provincial government. (*See Figure 1*) Above these was recognition and acknowledgement of separation of powers between the legislative, executive and judicial systems.

Existing departments were restructured and new ones were established. The executive also identified the need to establish new state institutions and agencies and retain, but restructure, some state institutions, which were allowed autonomy with strict and firm regulations to promote accountability.

Müller (2004:239) provides a comprehensive description of the institutional policy and regulation framework in South Africa highlighting the impact of the changes that were introduced after 1994 and how they impacted on public institutions. These changes introduced fundamental changes and the transformation of these institutions. This study will analyse the regulatory systems and assess their impact on cultural heritage conservation.

Some of these state organs/institutions were established by the Constitution of the Republic of South Africa, (Act 108 of 1996) (1996:99) in *Chapter* 9 under *State Institutions Supporting Constitutional Democracy*. These are the:
  i.   Public Protector;
  ii.   The Human Rights Commission;
  iii.   The Commission for the Promotion and Protection of Rights; of Cultural, Religious and Linguistic Communities;
  iv.   The Commission for Gender Equality;
  v.   The Auditor-General; and
  vi.   The Electoral Commission.

These institutions are accountable to the National Assembly and must report on their activities and the performance of their functions to the Assembly.

Others were established by acts of parliament, with some listed in Schedule 3 of the Public Financial Management Act 1 of 1999 as *National Public Entities*. The objective of this Act is to put in place a more effective financial accountability system over public entities. Those listed in Schedule 2 enjoy full autonomy, with government only able to intervene in its capacity as a majority or shareholder. Others listed in Schedule 3 enjoy lesser degrees of autonomy.

Old departments and public institutions were restructured and transformed to be in line with democratic values. Most of these policies were to be refined and tuned to change from policies of a liberation movement to be policies of government. Above all, these public institutions were to be governed by and had to adhere to two critical Acts, which were to be the cornerstone of state governance. These are the South African Constitution, Act 108 of 1996 and the Public Finance Management Act, No 1 of 1999.

The newly established Department of Arts, Culture, Science and Technology (DACST) also had to align itself with the new democratic ethos. It had the task of translating ANC policy documents into its policies.

It took almost three years from 1996, when the White Paper *Arts, Culture and Heritage: All Our Legacies, Our Common Culture* was presented, to 1999, when two heritage legislations were promulgated. This led to the development of legal instruments and transformation programmes that created public institutions that were aligned to the new state policies.

Amongst these were those public institutions established to manage heritage. On realising the need to also transform heritage management, government was under pressure to develop new legislative frameworks. To expedite this process, the respective state departments commissioned consultants to develop relevant bills for tabling, rectification and promulgation as Acts.

New public institutions were formed and old ones transformed and restructured. Amongst these was the National Monuments Council, which is now the South African Heritage Resources Agency.

The newly established Department of Arts, Culture, Science and Technology, with its new bureaucrats who did not have enough expertise in heritage management, had to invite members of the ACTAG group to work closely with the departmental officials to translate the ANC policy document into a departmental policy document. A task team called the Arts and Culture Task Group (ACTAG) was formed.

In 1996, the Department of Arts, Culture, Science and Technology adopted this document as a White Paper on Arts, Culture and Heritage, *All Our Legacies Our Common Future*, which was meant to promote the arts, culture, heritage and literature. According to the White Paper (1996:13), heritage includes wildlife and scenic parks, sites of scientific and historical importance, national monuments, historic buildings, and works of art, literature and music. From page 31 to 35, this document spells out the institutional arrangements required to implement a new vision in which they are developed, practiced and celebrated among all people, and it indicates the changes required of existing institutions.

This White Paper proposed a radical restructuring and transformation of the arts and heritage and the institutions managing them. These are:
i.   Archives
ii.   Arts, culture and heritage associations and organisations
iii.   Arts galleries and collections
iv.   Choirs
v.   Cultural industries
vi.   Historic places
vii.   Individual practitioners, educators and learners in arts, culture and heritage
viii.   Institutions carrying out associated education, training and research
ix.   Libraries and information systems
x.   Media and advertising
xi.   Monuments

xii. Museums; and

xiii. Performing arts institutions

It recommended that all the heritage institutions that were established to serve a section of the South African society had to be restructured and realigned to incorporate the cultural heritage of all South Africans. It also proposed the inclusion of principles relevant in a democratic state, like transparency, accountability and inclusiveness. Their powers and duties were transformed to be aligned with the new democratic state and these principles (see appendices).

Amongst the White Paper's (1996) proposals was that all Acts governing heritage institutions should be amended, and that the National Monuments Council, the KwaZulu Monuments Council and the Ciskei Historical Monuments Board should be restructured and transformed. The Acts were to be incorporated into one Act. According to the White Paper (1996), the term *monument* is narrow and for this reason the term *heritage resource* was chosen. This was a critical and important development in the process.

The White Paper on Arts, Culture and Heritage (1996) proposed the establishment of a new statutory body, which was to transform heritage in accordance with the principles of access, redress and participation. It went further and recommended that the National Monuments Council be reconstituted, and suggested the promulgation of new body, the National Heritage Council.

This recommendation was not implemented. Following numerous workshops and consultative conferences, a process that took almost three years, two pieces of legislation dealing with cultural heritage management were promulgated on 23 April 1999.

The National Heritage Resources Act, No. 25 of 1999 (NHRA) was promulgated and the South African Heritage Resources Agency (SAHRA) was established. At the same time, the National Heritage Council Act, No 11 of 1999 (NHCA) was promulgated and established the National Heritage Council (NHC) (See Figure 2).

Figure 2: Heritage Management: Institutions and Legislation

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                    ┌──────────────────────────┐
                    │   HERITAGE MANAGEMENT    │
                    └──────────────────────────┘
           ┌────────────────┼────────────────────┐
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│        SAHRA         │ │    SANPARKS      │ │   MANAGING AUTHORITY     │
│ National Heritage    │ │ Protected Areas  │ │ World Heritage Convention│
│ Resources Act, 25    │ │   Act, 57        │ │ Act, 11                  │
│       1999           │ │     2003         │ │       1999               │
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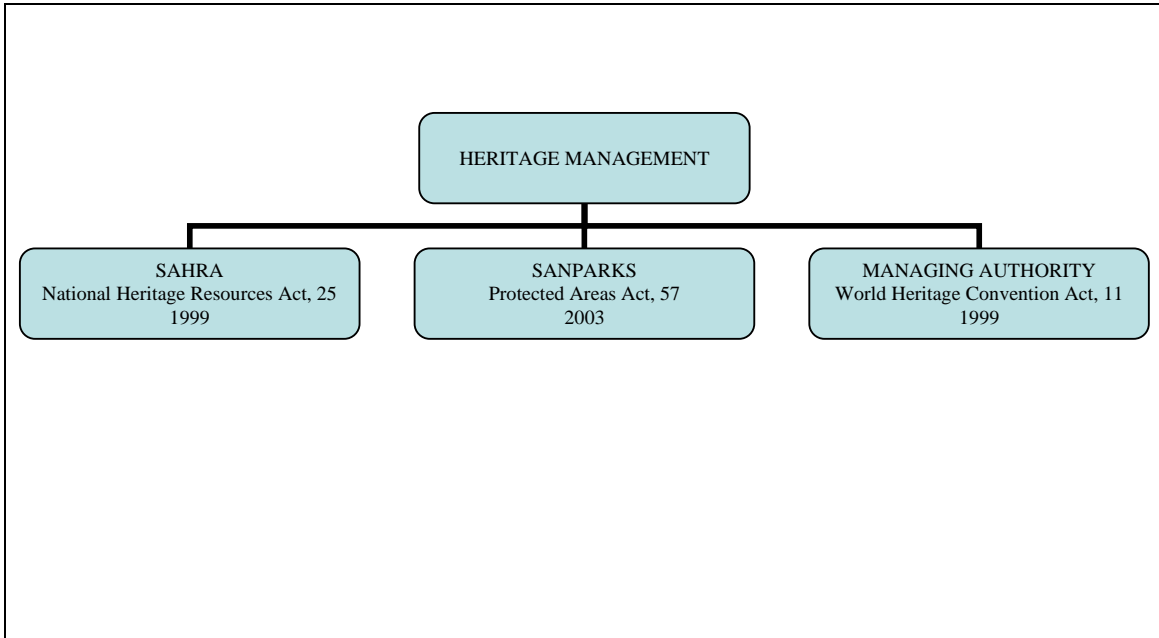
Table 1: South African Heritage Resources Agency

Institution	Objective	Functions
SAHRA	Manage cultural heritage resources	a. To establish national principles, standards and policy for the identification, recording and management of the national estate in terms of which heritage resources authorities and other relevant bodies must function with respect to South African heritage resources; b. to coordinate the management of the national estate by all agencies of the State and other bodies and monitor their activities to ensure that they comply with national principles, standards and policy for heritage resources management; c. to identify, record and manage nationally significant heritage resources and keep permanent records of such work; d. to advise, assist and provide professional expertise to any authority responsible for the management of the national estate at provincial or local level, and assist any other body concerned with heritage resources management; e. to promote and encourage public understanding and enjoyment of the national estate and public interest and involvement in the identification, assessment, recording and management of heritage resources; f. to promote education and training in fields related to the management of the national estate.

Table 2: South African National Parks

SANPARKS	Manage natural heritage	a. to provide, within the framework of national legislation, including the National Environmental Act, for the declarations and management of protected areas; b. to provide for cooperative governance in the declaration and management of protected areas; c. to effect a national system of protected areas in South Africa as part of a strategy to manage and conserve its biodiversity; d. to provide for a representative network of protected areas on state land, private land and communal land; e. to promote sustainable utilisation of protected areas for the benefit of people, in a manner that would preserve the ecological character of such areas; and f. to promote participation of local communities in the management of protected areas, where appropriate.

Table 3: Managing Authorities

MANAGING AUTHORITY	Manage World Heritage Sites in South Africa	a. provide for the culturally and environmentally responsible protection and development of, and related activities within, World Heritage Sites; b. make the World Heritage Convention part of South African domestic law and to create a framework to ensure that the World Heritage Convention and the Operational Guidelines are effectively implemented in the Republic, subject to the Constitution and the provisions of this Act; c. promote and manage, oversee, market and facilitate tourism and related development in the World Heritage Convention and Operational Guidelines; d. ensure that everything done in terms of this Act conforms with the obligations of the Republic, in terms of the World Heritage Convention and Operational Guidelines; e. ensure the identification and transmission to future generations of cultural and natural heritage of the Republic; f. ensure effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage of the Republic; g. encourage investment and innovation in World Heritage Sites; h. encourage job creation in World Heritage Sites; i. promote the development of culturally, environmentally and, if applicable, commercially sustainable projects in World Heritage Sites; and j. promote the empowerment and advancement of historically disadvantaged persons in projects.

Table 4: National Heritage Council

NHC	Manage heritage	a. to develop, promote and protect the national heritage for present and future generations; b. to coordinate heritage management; c. to protect, preserve and promote the content and heritage which resides in orature in order to make it accessible and dynamic; d. to integrate living heritage with functions and activities of the Council and all other heritage authorities and institutions at national, provincial and local level; e. to promote and protect indigenous systems, including but not limited to enterprise and industry, social upliftment, institutional framework and liberatory processes; and f. to intensify support for the promotion of the history and culture of all our peoples and particularly to support research and publication on enslavement in South Africa

The National Heritage Resources Act, No 25 of 1999 established the South African Heritage Resources Agency, and the National Heritage Council Act, No 11 of 1999 established the National Heritage Council. These two institutions have various functions that overlap. According to the National Heritage Resources Act, No 25 of 1999, the South African Heritage Resources Agency (SAHRA) is a body corporate capable of suing and being sued in its corporate name and that shall be governed by a Council. Its aim was to introduce an integrated and interactive system for the management of national heritage resources. Heritage resources are defined as places and objects of cultural significance and are of special value for the present community and for future generations.

The object of SAHRA is to coordinate the identification and management of the national estate. It is critical to list SAHRA's numerous functions, as this will show the huge responsibilities placed on SAHRA compared to other heritage institutions. Section 13 of the National Heritage Resources Act, No 25 of 1999 lists the functions of SAHRA (*see Table 1*). Section 4 of the National Heritage Act, No 11 of 1999 established the National Heritage Council as a juristic person (*see Table 4*).

On the other hand, the Department of Tourism and Environmental Affairs (DEAT) also promulgated its own Acts dealing with Protected Areas, Act No 57 of 2003, and the World Heritage Convention Act, No 108 of 1999. The National Environmental Management: Protected Areas Act, No 57 of 2003. Section 2 of this Act lists the objectives of the Protected Areas Act (*see Table 2*). The implementing Agency of this Act is the South African National Parks (SANPARKS). The second was the World Heritage Convention Act, No 108 of 1999. The Cultural Resources Management Unit (CRM) in the Department of Environment and Tourism is a unit that advises the relevant Minister in appointing the Managing Authorities that implement this Act. (*See Table 3*)

The National Heritage Resources Act (Act 25 of 1999) provides for a three-tier system for heritage resources management, in which national-level functions are the responsibility of SAHRA, provincial-level functions are the responsibility of Provincial Heritage Resources Authorities (PHRA), and local-level functions are the responsibility of local authorities.

All these heritage institutions have different conservation legislations and systems. The National Heritage Council is responsive for coordination of conservation of the cultural heritage at large; the South African Heritage Resources Agency is responsible for cultural heritage resources — places and objects of cultural significance; the Provincial Heritage Resources Authority is responsible for provincial heritage resources — cultural resources that are significant in the province; the Cultural Resources Management Unit of DEAT, through the managing authorities, is responsible for World Heritage Sites in South Africa; and the South African National Parks is responsible for the conservation of protected areas. Although their focus is natural heritage, there are cultural heritage resources in these parks. (*See Table 5 and Figure 3*)

Table 5: National Parks with Cultural Heritage Resources

Site	Province
Mapungubwe	Limpopo
St Lucia	KwaZulu-Natal
Ukhahlamba-Drakensberg	KwaZulu-Natal
Kgalagadi	Northern Cape
Cape Floristic Region	Western and Eastern Cape
Richtersveld	Northern Cape
Ai-Ais/Richtersveld Transfrontier Park	Northern Cape

Figure 3: Location of National Parks
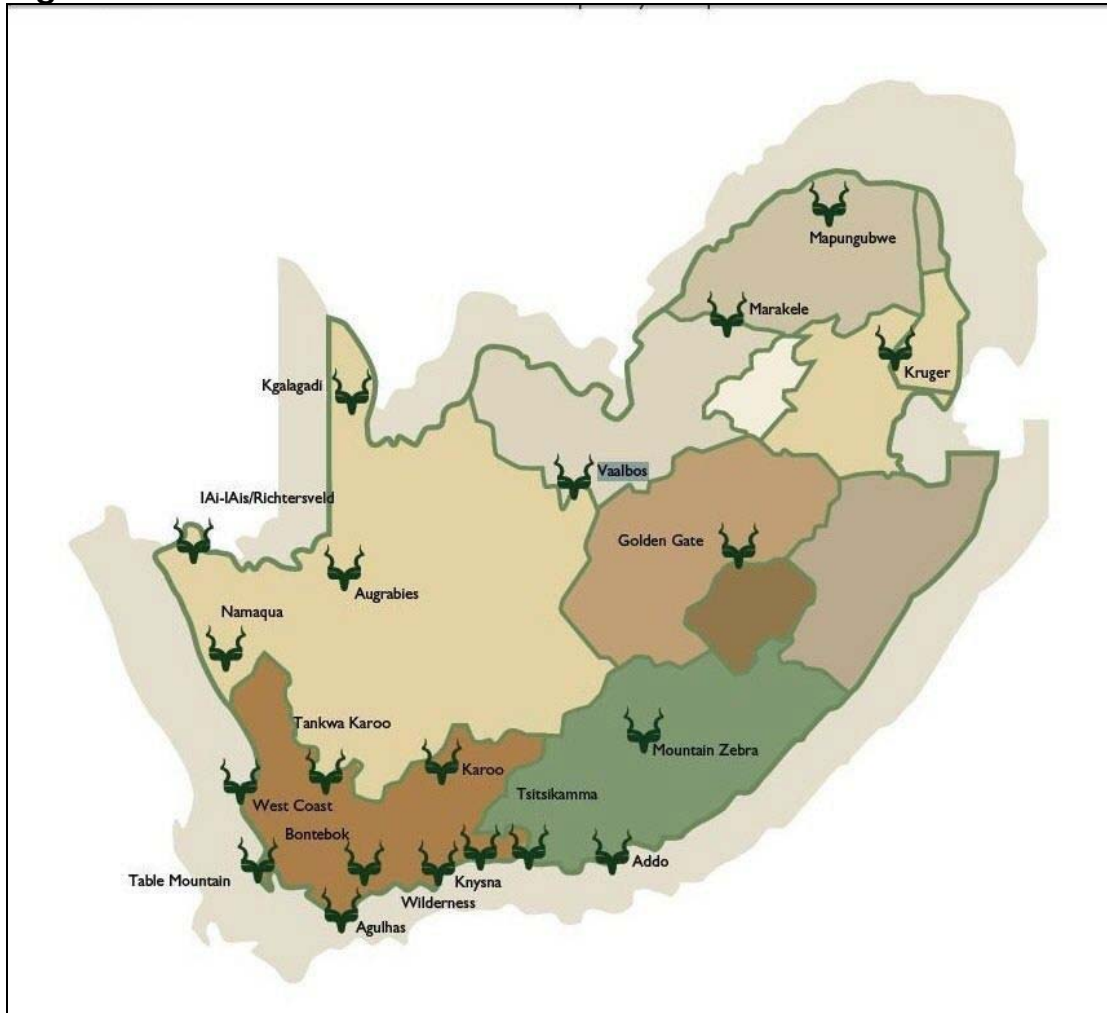
These various institutions with fragmented legislative frameworks were promulgated to manage the conservation of heritage resources. South Africa has a large number of heritage resources, which include sites and objects of cultural significance.

The management and conservation of the numerous sites alone is a cumbersome process.

It is clear that collaboration is essential, but for it to succeed there are challenges and complexities that must be addressed and managed. These will be discussed later in this study.

3.5 Summary

This chapter provided detailed information about heritage institutions and their functions. This descriptive layout highlighted the legislative frameworks that govern these institutions.

The location of cultural heritage management in various state heritage institutions, and the three spheres of government at national, provincial and local levels, complicates the coordination of this sector.

The manner in which these institutions were established created a complex and disintegrated conservation system that is not fully comprehended by heritage practitioners. Each institution has its own legislation and regulations governing cultural heritage management, and government departments have their own management systems. The consequences are a fragmented and disintegrated management system that might impact on implementation and service delivery.

From this information it is evident that heritage management and conservation is complex and complicated and requires a pragmatic approach. It is the author's contention that the fragmented and disintegrated management systems should be thoroughly reassessed so as to identify a possible and practical approach. If an appropriate approach is adopted and utilised, it is possible to provide guidelines and recommendations for appropriate integrated conservation systems

Of the range of strategies, approaches and tools provided in the previous chapter, some are appropriate strategies that the heritage sector should adopt and adapt according to its various institutional requirements. The strategies, approaches and tools can be employed, modified and used to address the existing institutional fragmentation, which has a negative

impact on implementing their legislative mandates of heritage management and conservation.

The principles and instruments provided in Chapter two can provide a broad framework that will guide the relevant tools to address the complicated and complex problems caused by institutional fragmentation. By borrowing approaches from the new public management, some of the challenges faced by these public institutions can be mitigated. It is by adopting a holistic, integrated approach to the management of heritage institutions that the problems caused institutional fragmentation can be resolved. This is a strategy that will be explained further in the next chapter.

CHAPTER 4
EVALUATION AND APPLICATION

4.1 Introduction

This chapter will demonstrate how the application of the new public management reforms has transformed the public sector from the old bureaucratic administration to an administration that focuses on service delivery. In this study it has been established that structural fragmentation in cultural heritage conservation impacts on the identification, conservation, protection and promotion of heritage conservation. This is an observation also made by the interviewees who provided information on the legislative developments referred to in Chapter 1.

This chapter will outline the fragmented regulatory frameworks and fragmented permit systems, and will provide various examples of how theories, strategies and instruments from the new public management approach can be implemented to alleviate these fragmented systems.

Given the negative impact that the fragmented regulatory frameworks have on managing and conserving heritage, it is imperative to identity strategies that will change this quandary. This fragmented system needs practical solutions and the prevailing management systems in cultural conservation must be overhauled. Such fragmented and incoherent conservation systems impede the attainment of an effective and efficient conservation of cultural heritage. It is a condition that has a potential of preventing a coherent and integrated heritage management system. This has a negative impact on nation-building, which is critical in any developing state. South African citizens expect public institutions, which they mandated to serve as custodians of heritage on their behalf to

deliver on their mandates. This is a task that can be realised by developing consistent management and conservation systems.

For example, how can a cultural resource in a landscape with heritage of both world and national significance located in a protected area receive an equal protection as a natural resource? These are challenges that heritage institutions encounter and that should be addressed by providing practical solutions.

The new public management approach provides practical tools to deal with such challenges. It is an approach that suggests reforms that can offer fragmented heritage institutions practical tools. These reforms are guided by theories and recommend practical strategies and instruments. It is these alternative reforms and appropriate tools that will be presented. They can be adopted and adapted to develop effective and efficient integrated management systems and their implementation will be demonstrated in Section 4.5. ***Implementing Tools for Heritage Management***, by providing various practical examples.

4.2 Regulatory Frameworks

South Africa has a rich and diverse heritage that must be managed and conserved. On the other hand, the country has enormous developmental needs, particularly regarding infrastructural and industrial development. These developments have an enormous impact on land use and specifically on the conservation of heritage.

The country has numerous heritage sites spread all over the country: four trans-frontier conservation areas; sixteen national parks; eight World Heritage Sites; eight declared National Heritage Sites and ninety-three identified and nominated as potential national sites. As already alluded each of these sites is in one way or another managed by one of the three respective institutions. At each site there are either natural or cultural

resources or some having world heritage status, but their conservation is regulated by a fragmented management system.

	NATIONAL SITES	NATIONAL PARKS	WORLD HERITAGE SITES	TRANS-FRONTIER CONSERVATION AREAS
1.	Mapungubwe	Addo Elephant Park	Richtersveld Landscape	Great Limpopo/Shashe Conservation Area
2.	Robben Island	Agulhas National Park	Greater St Lucia Wetland	Kgalagadi Conservation Area
3.	Vredefort Dome	Augrabies Falls N. Park	Cape Floral Region	Maloti-Drakensberg Conservation area
4	Taung	Bontebok N. Park	Cradle of Humankind	Ai-Ais/Richtersveld Park
5.	Cradle of Humankind	Camdeboo N. Park	Mapungubwe Landscape	
6.	Sarah Baartmann Burial	Golden Gate N. Park	Robben Island	
7.	Makapans Valley	Karoo National Park	Ukhahlamba-Drakensberg	
8.	Sarah Baartmann burial site	Knysna N. Lake Area	Vredefort Dome	
		Marakele National Park		
		Mokala National Park		
		Mountain Zebra N. Park		
		Namaqua National Park		
		Table Mountain N. Park		
		Tankwa Karoo N. Park		
		Tsitsikamma N. Park		
		West Coast N. Park		

Table 6: List of Heritage sites

Apart from these there are more than 4 000 provincial heritage sites and a huge number of sites of local significance. These are listed in the following table *(see Table 6)* as an illustration to demonstrate the magnitude of the problems faced in heritage management*.*
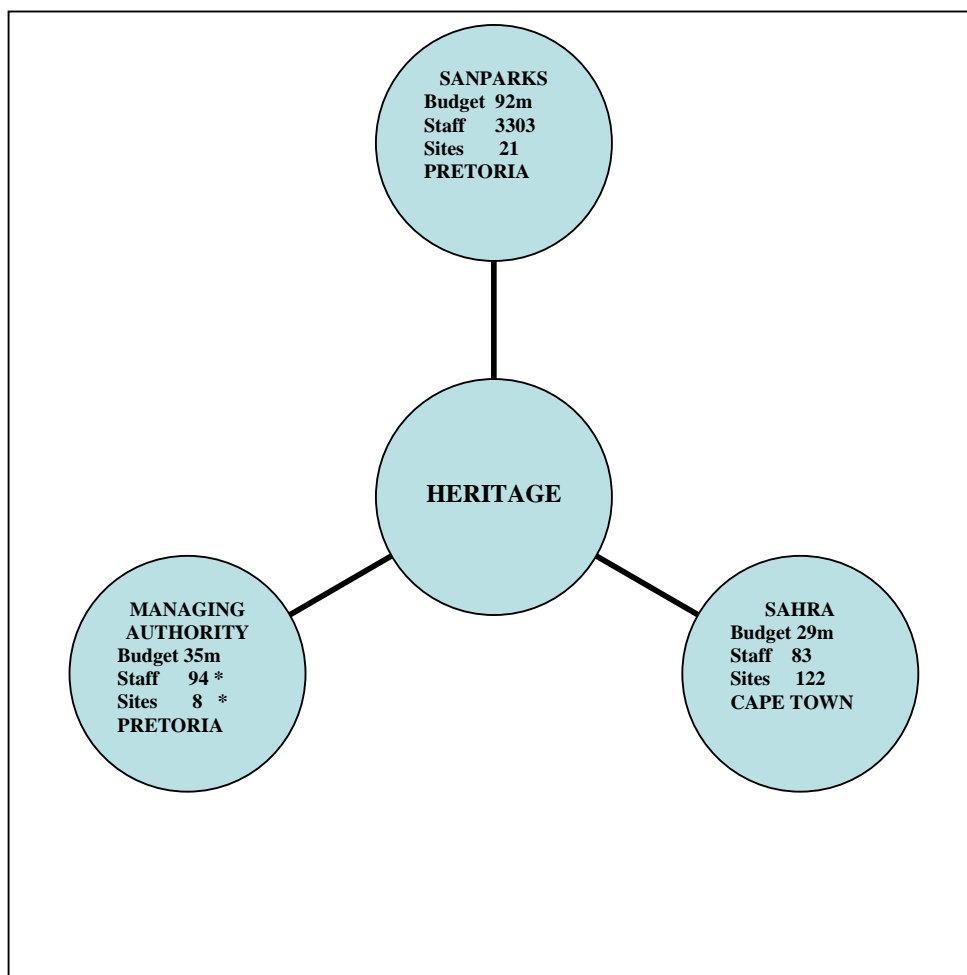
All these listed heritage sites are managed by one heritage institution under the Department of Arts and Culture and two under the Department of Environment and Tourism. This arrangement exacerbates institutional fragmentation.

Each of these three heritage institutions was established as a statutory body with autonomous powers. Whilst this was a progressive step, no

coordinating systems were put in place to promote collaboration and cooperation amongst these institutions.

Their resource allocations vary, with some receiving small allocations and others receiving bigger allocations (see Figure 4). This has led to competition, thus augmenting fragmentation, as those institutions with larger resource allocations were not willing to share them.

Figure 4: Resources Allocations * Figures based on Robben Island

SANPARKS
Budget 92m
Staff   3303
Sites   21
PRETORIA

HERITAGE

MANAGING
AUTHORITY
Budget 35m
Staff   94 *
Sites   8 *
PRETORIA

SAHRA
Budget 29m
Staff   83
Sites   122
CAPE TOWN

Despite these numerous sites, each heritage institution has its own internal management frameworks, which complicate the already complex management systems.

This fragmented and disintegrated management system for heritage has serious implications for the conservation of the abovementioned sites. Fragmented institutional systems result in fragmented regulatory processes, rendering ineffective management and conservation mechanisms. But this state of affairs can be rectified by adopting and adapting the new public management tools.

Heritage institutions have internal regulatory frameworks in the form of policies, procedures and guidelines that regulate how sites must be managed. In most cases, these internal processes vary from one institution to another.

This affects the adjudication of permit applications, a process which is critical in regulating heritage conservation whilst offering mitigation for development, which is vital in any developing state like South Africa.

Most of the World Heritage sites are also national heritage sites, with almost 80% of them in national parks. According to legislative requirements, any application for a permit, either for development, research or tourism purposes, must be forwarded to the *'appropriate'* institution. For example, an application to develop in a World Heritage Site that is also a national heritage site in a national park must be adjudicated by the relevant heritage authority.

In this case, three institutions are responsible for the management and conservation of this site: the managing authority for World Heritage Sites; the South African Heritage Resources Agency and the South African National Parks. It becomes unclear as to which of these three heritage institutions is the appropriate one to grant a permit. When an appropriate institution has been identified, the applicant encounters processes that are cumbersome and time consuming, some having exuberant administration charges.

The management of an important site is complicated and complex and could lead to the destruction of a culturally significant site that all Southern Africans seek to protect. The public is also confused as to which legislation, policies and procedures should be utilised. This complexity also delays development or any other activity on the site. Given all these complexities caused by internal institutional regulatory systems, an effective and efficient management system that is responsive to the challenges facing a developing state is impossible.

It is by adopting and using the theories, strategies and instruments that have been described in the previous sections that effective management of these heritage sites can be realised.

4.3 Permit Systems

As alluded above, there are three heritage institutions responsible for managing and conserving heritage sites. These heritage sites are managed either by SAHRA, SANParks or the relevant Managing Authority responsible for World Heritage Sites.

The South African Heritage Resources Agency is regulated by the National Heritage Resources Act, No 25 of 1999 to establish national principles, standards and policy that prescribe how heritage resources should be managed. These policies provide guidelines, formats and other requirements for permit applications. Regulation R. 548 Gazette No 21239 was promulgated in the Gazette Notice in June 2000 for *Permit Applications and General Provisions.* This is a document which describe application procedures and requirements; financial deposits; minimum qualifications and standards practice; submission of reports; and the monitoring responsibility of SAHRA. This document regulates permit applications for archaeological, paleontological or meteorite sites; permit applications to reproduce a national heritage site; permit applications for

exporting heritage objects; permit applications for shipwrecks; and permit applications for burial grounds and graves. These permit applications are adjudicated by Permit Committees, which consist of experts from various and diverse relevant fields.

The South African National Parks are regulated by the National Environmental Management: Protected Areas Act, No 57 of 2003 to develop norms and standards for the management and development of protected areas, with indicators to measure compliance with these norms and standards. Each protected area must have a management authority that develops a management plan to ensure the protection, conservation and management of the area in a manner that is consistent with the objectives of the Act. Some of the objectives of the management plan are: to coordinate a policy framework; planning measures, control and performance criteria; public participation; zoning of the area; to develop economic opportunities; to develop local capacity and knowledge; and financial and other support to ensure effective administration.

The Managing Authority appointed by the Minister of the Department of Environmental Affairs and Tourism (DEAT) is regulated by the World Heritage Convention Act, No 11 of 1999. This Authority must oversee and comply with the World Heritage Convention. Its duties are overseeing and complying with the World Heritage Convention so as to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage. This Authority must prepare and implement a management zone plan for the World Heritage Site under its control and such surrounding buffer zones and areas to fulfil the regulations of the World Heritage Convention. This plan must be integrated and harmonised with the requirements of the Operational Guidelines of the World Heritage Convention.

This plan should be a coordinated policy framework with provisions for activities allowed within a particular zone; terms and conditions for conducting activities; prohibition of activities prescribed by the Minister; and control over the frequency, size, impact or manner of conducting activities in a particular zone.

If there is an application for a permit for developments in one of these heritage sites, SANParks will be more concerned with the biosphere, SAHRA will be concerned with the cultural heritage whilst the Managing Authority for World Heritage Sites will be concerned with how such development will impact on its management zone plan.

Each institution will expect such developments to adhere to their regulatory framework though they have constraints like financial, human and capital resources, expertise, capacity or competence and location. SAHRA might have expertise in dealing with cultural aspects and SANParks will have expertise in dealing with the biosphere, whilst a Managing Authority of a World Heritage Site might not have any of these but might have financial resources.

Their mandates and focuses vary, with different capacity and expertise. These complex systems affect an efficient permit process, thus protracting the issuing of permits. Another example is in Trans-National Parks, a situation which is even more complicated. Mapungubwe is a World Heritage Site and also a national heritage site in a national park, but it is also linked to Botswana and Zimbabwe. Apart from the complex fragmented systems within South Africa there are added challenges from Botswana's and Zimbabwe's regulatory frameworks.

There are also challenges of availability of resources; effective and efficient management systems; and regulatory frameworks that either complement or contradict one another. An application for either

infrastructural development or research will be a prolonged process due to uncoordinated regulatory frameworks.

Chapter two outlined the challenges caused by institutional fragmentation in the management of natural resources. Most of these identified problems are common and also occur in heritage resources management. They are therefore relevant for understanding the structurally fragmented management of heritage. Heritage management also has many actors, involving the public sector, civil society organisations, individuals and indeed the markets. All of these actors come with different agendas, preferences, norms and working routines, which fuel fragmentation. An example is in the management of Robben Island, which is a World Heritage Site, a National Heritage Site and a National park. All three heritage bodies have a stake in the management of this site. This is an example of a public good problem, as all three institutions want to conserve the site on behalf of the nation. It is also the tragedy of the commons and the management of common pool resources. Core funding from the Department of Arts and Culture is allocated for the management of the site which includes the natural environment, although it falls outside their legislative mandate.

Given the current state and condition of Robben Island, who should take the blame for allowing it to deteriorate? Is it SANParks, SAHRA or the managing authority? This is an example of the collective action problem, where individual rationality does not lead to collective rationality. This is what Saglie (2006) describes as the extent of institutional fragmentation creating a collective action problem. All heritage institutions assent to the serious problem on Robben Island as a collective problem, but there is no will for collective rationality to solve it.

4.4 Reforms from the New Public Management Approach

This section will provide the theoretical underpinnings and justification for adopting and the practical implementation of the new public management strategies. This will be illustrated by presenting practical examples of how this approach can be used.

With different legislative and regulatory frameworks, boards of trustees, uneven financial, human and physical resources, but one common goal of conserving heritage, it is vital that these institutions identify appropriate strategies and practical tools to improve their operations and deliver on their mandates.

4.5 Implementing Tools for Heritage Management
Coordination, Collaborations, Networks and Partnerships

Proponents of the new public management reforms recommend four strategies. These NPM strategies are advocated as elementary and central in promoting integrated management systems in the public sector.

How can these strategies be used in promoting integrated management systems in heritage institutions? This will be illustrated by using various examples and case studies based on practical application and experiences in heritage management. In some instances these strategies can be used concurrently whilst in some cases they can be used independently.

These strategies, essential in improving and enhancing service delivery, are coordination, collaboration, networks and partnerships, which have been defined and described in detail in Chapter two.

Coordination

In order to have a coordinated heritage management system, a hierarchical structure with command from a superior political direction like a department is crucial. It is also vital that the coordination of such an

integrated system is coherent, with heritage institutions agreeing on shared values, trust, conflict resolution, solidarity and consensus.

This then suggests that a principal body should be responsible for coordinating, directing and monitoring heritage institutions. This body, preferably a state department, should develop and coordinate the legislative and regulatory frameworks that will govern these heritage institutions. Using collaboration as a strategy, this body should prescribe how heritage institutions should implement these regulatory frameworks in an integrated and interactive manner.

The coordination by this principal body must be guided by intergovernmental or institutional management instruments. These management instruments are influenced by the functional areas that were described in Chapter two. These are:

i. Devolution of functions to lower levels of government, which involves decentralisation of political functions to elected authorities and de-concentration, which is the transfer of administrative functions to sub-national levels or units. In this project, local authorities and traditional leaders must be invited as partners.

ii. A territory-based multi-function versus single-function model assumes that a multipurpose unit has the mandate to carry out and coordinate functions, whilst the latter is directed at fulfilling one task and mission.

iii. Spatial and demographic size of sub-national levels and units of government that are based on the territorial reforms of elected local governments, particularly via amalgamation with the idea of optimising the territorial congruence of problems to be solved.

iv. Functional scope, which stems from the manner in which sub-regional and local field offices of state administration operate and are controlled. The special-purpose field offices are usually hierarchically controlled and coordinated by central government, but the local field offices have local autonomy and are subjected to less direct forms of coordination from above.

These fundamental intergovernmental instruments are also relevant and applicable in managing heritage at the local level where some management and conservation functions should be delegated to local authorities. This will strengthen working relations amongst heritage institutions operating at the local level. For example, a cultural landscape with heritage resources of cultural significance found in a protected area managed by a local authority should be given the same management attention and receive equal protection to that of a natural species in the same environment managed by a national body.

It is therefore prudent that a state department, either the Departments of Arts and Culture (DAC) or Department of Environmental Affairs and Tourism (DEAT), coordinate the management of heritage. This would strengthen the coordination and alignment of regulatory systems, guidelines, policies and procedures in the management and conservation of heritage.

The department, in consultation with all heritage institutions, will formulate legislative frameworks in the form of regulations and policies. It will also coordinate the implementation of strategic policy frameworks by heritage institutions that must give account to the department whilst retaining full autonomy in their daily operations.

By providing political leadership and direction, the department will ensure that institutions fulfil their mandates in line with the government's mission

to deliver services efficiently and effectively. Such an arrangement can promote and ensure accountability and, moreover, promote collaboration between heritage institutions

Collaboration

Apart from coordinated systems, heritage institutions must agree to collaborate in their various activities. This can succeed if they are guided by the ten components of collaboration which were outlined in Chapter two. These components of collaboration provide guidelines on issues that must be considered before collaborations are pursued. They are also relevant for formal agreements to collaborations in heritage management.

In pursuing collaboration, heritage institutions, with their different mandates, will have different expectations of the process. With different legislative and regulatory frameworks, boards of trustees, unequal financial, human and physical resources, and varying locations, but mandated with one common function - to conserve heritage - it is vital that these institutions have formalised and regular interaction by holding regular meetings to share challenges and ideas. If the idea is to collaborate on the management of a heritage site that is a national park, a world heritage site and a national site, like Table Mountain, Mapungubwe, Robben Island, St Lucia or similar sites, each institution will have its expectations based on its mandate. It is therefore important to use the components of collaboration listed in Chapter 2.

Another important factor to take into account in the assessment of collaborative capacity in heritage institutions is unequal capacities and competencies. How can it be expected of SAHRA to collaborate with SANParks when SAHRA has limited human and financial resources? How is SANParks expected to manage parks with heritage resources if they do

not have expertise in their staff? Can they deal with an archaeological site in Mapungubwe? Why should a managing authority responsible for a World Heritage Site spend huge sums of money improving a site that is under the custodian of SANParks? When a collaborative project by SANParks and SAHRA is complete, there might be questions as to who is the custodian of the site, and how these relationships are to be nurtured. All these are critical issues that must be assessed and agreed on in any collaborative exercise.

For example, if SAHRA and SANParks agree to collaborate in the management of the St Lucia Wetlands Park, these strategies would be useful. Firstly they must agree on the structural issues. St Lucia might put more emphasis and focus on the natural heritage at the expense of cultural heritage. This can result in cultural heritage institutions not participating and unhappiness in communities around the site, who might feel that their cultural heritage will be marginalised. This was evident on Robben Island, which has, to a large extent, ignored the conservation of the natural heritage in comparison to the cultural heritage. Whilst more funds have been spent to maintain the prison, not much has been spent to conserve the natural environment. This has resulted in misgivings between cultural and natural heritage institutions and practitioners.

It is therefore critical that collaborative exercises be underpinned by research, with each section from both institutions providing and sharing information with their counterparts. Where there are gaps and skills shortages, there should be for capacity building amongst the respective heritage practitioners. A biologist from SANParks might be expected to capacitate a living heritage expert from SAHRA about certain plants, whilst an archaeologist from SAHRA might capacitate an environmentalist from SANParks about cultural artefacts. This can be realised by collaborating.

The pursuit of collaboration has influenced the South African government to develop legal frameworks for those institutions with similar mandates to cooperate in achieving their goals.

When the Department of Arts and Culture established the National Heritage Council, its Board of Trustees comprised of all chairpersons of its heritage institutions: NHC, SAHRA, the National Archives, National Geographic Places Names, Robben Island, National Museums, Archives and representatives of all nine provincial departments of Arts and Culture. This strategy is supported by Wollmann (2003), who states that hierarchy in inter-organisational as well as intra-organisational settings is prevalent and easily exercised.

To some extent, heritage institutions have a structural arrangement through the board of the National Heritage Council. This structure should deal with problems caused by fragmentation. It can form commissions to develop guidelines that will promote integrated conservation strategies amongst heritage institutions. Where necessary, some of these institutions can be deregulated or regulated by devolving and decentralising some functions and activities. For example, these commissions can provide strategic direction by regulating how cultural and natural heritage sites can be managed cooperatively by SAHRA and SANParks. These might require the development of policies and procedures that promote a holistic, interactive and integrated management system incorporating cultural and natural aspects of the site

On the other hand, the Council of SAHRA comprises five members appointed by the National Minister and nine members appointed by the MECs from the nine provincial departments of Arts and Culture. This is to secure representation of all provinces and ensure that national heritage is managed and conserved.

Both of the abovementioned structural arrangements were designed to promote a collaborative approach to conservation and the management of cultural heritage. However, SANParks does not have representation on these boards, nor do SAHRA and NHC have representation on the SANParks Board.

Another good initiative was to have the SA World Heritage Convention Committee, which is responsible for the coordination of World Heritage Sites, assist the DEAT, to have both natural and cultural representatives from all heritage institutions and all provinces. This again is to ensure collaborations in the management of the national heritage.

From these initiatives by the two abovementioned departments, there is recognition of the need to collaborate. But this recognition should have been strengthened by attending to contextual factors that address expectations and constraints. When heritage institutions are brought into a single board, their expectations and constraints must be addressed. The contextual factors caused by different regulatory frameworks are central to any form of collaboration.

Apart from sites, heritage includes objects and specimens of both cultural and natural significance. There are thousands of these objects and specimens lying on the ground, while some are kept in public museums and galleries and educational institutions, mainly universities, botanical gardens, nature reserves, zoos, private museums, private collections and individual collections. These heritage objects and specimens, depending on the nature of the collections, are governed by a variety of heritage legislation.

For example, South Africa is facing an increasing demand from foreign collectors to buy heritage objects and specimens. This requires effective and efficient regulatory frameworks to prevent illicit trafficking in South

Africa's heritage. Moreover, financial resources are critical for protecting this precious heritage. Partnerships and collaborations with the private sector can assist in this regard. Based on the success of private sector organisations and their capital resource base, it is crucial for heritage institutions to form working relations with them. The expertise which resides in the private sector can assist heritage institutions in developing organisational networks beyond their boundaries. This can be achieved by learning from the information communication technology that the private sector utilises to communicate through collaborative initiatives.

The role of communities and neighbouring countries in conservation is also critical. Like political forces, which were described in Chapter two, some communities or groups are organised, represented and participate in heritage management, whilst others are not – all due to ideological and political compulsions. For example, some communities will voluntarily donate money to clean Robben Island to create a safe place for penguins. Other groups will do the same to clean and restore the prison. A third group might be willing to offer assistance because the island is a World Heritage Site. Its international and national significance has no value to them. Each of these groupings will thus work with one of the three heritage institutions responsible for managing the island.

This is an indication of how heritage has been fragmented and promoted, either as cultural, natural or of universal value. Some people value the cultural at the expense of the natural and others the natural at the expense of the cultural. This is an approach that is exacerbated by the fragmented institutions responsible for the definition of sites as cultural or natural, and of national or international value. It is they who determine how these sites should be managed and conserved.

This can also be said of our trans-frontier heritage sites, which are shared with our neighbouring states. Whilst some countries and their respective

communities might place significance on a site for its natural value, others will place emphasis on the cultural value. The various internal legislative frameworks and fragmented institutions have a negative impact on and affect the conservation of these trans-frontier sites.

 From the above cited examples it is clear that collaboration is essential in managing and conserving heritage in an integrated and interactive manner. Such collaborations must be guided by the ten components which provide guidance on significant issues that must be considered before collaborations are pursued. Given these and other challenges faced by heritage institutions, if the components suggested by Hudson et al. (2002:327) were to be applied, most of the problems faced by those heritage institutions would be curtailed. Collectively various heritage institutions both internal, in foreign countries and communities can collaborate to promote effective and efficient management and conservation strategies.

Networks

Given the various pressing demands that government is facing, heritage management is not a priority and hence it is allocated limited resources. It is therefore critical that heritage institutions network and integrate their strategies to maximise the use of these limited resources. The implementation of the network theory relies on utilising appropriate strategies with practical tools.

With the institutional fragmentation in management, networking is vital to bringing synergy in the operations of heritage institutions. They all have one common mandate, namely to manage and conserve heritage, and should therefore have a common and shared approach. It is by interacting and bargaining that this shared approach, vision, trust and consensus can be realised. A relevant and appropriate strategy in this case is network theory. The benefits of using this theory are comprehensible in

establishing integrated management systems. Its advantages in the management of the public sector were extensively deliberated in Chapter Two. As already elucidated, this is an approach that shifts the focus from the internal operations of public organisations to formalised networks of actors.

An effective heritage management and conservation system depends on networks — the participation of various institutions, public/private organisations, experts, individuals and the public in general. Moreover, it needs interdependencies between public agencies and a host of third party actors whose participation introduces tools to the operation of public programmes, like new goals, operating styles, skills, worldviews, incentives and priorities.

With the prevailing institutional fragmentation in heritage management, networking with all actors is vital in bringing synergy to their operations. All these institutions have one common mandate, namely to manage and conserve heritage on behalf of the nation, and they should therefore have a common and shared vision.

How can network theory be implemented in heritage management? This can be answered by means of an illustration. Assuming there is a major development project in the Cape Floral heritage site, which stretches from Cape Point in the Western Cape to Baviaanskloof in the Eastern Cape. It is a World as well as a National Heritage Site and also a national park. The site is regulated by the legal frameworks of all three heritage institutions, namely the World Heritage Convention, SAHRA and SANParks. Such a development would require permits from all three institutions. It is by networking, interacting and bargaining that a shared vision for this development can be realised. All partners must have a common understanding of the benefits and rewards of this development for

heritage conservation. Trust and consensus amongst all three institutions are vital in implementing the network theory.

Another example would be an application to develop or research rock art in a mountain range that would be declared a World Heritage Site and that is governed by the SA World Heritage Sites Act (2003) and managed by the Cultural Resources Unit in the DEAT. This site is located in a national park and, as a protected area it is governed by the Protected Areas Act and managed by the South African National Parks. It is also a National Heritage Site, governed by the National Heritage Resources Act (1999) and managed by SAHRA, and has pockets of cultural heritage resources that are only significant to the province and are governed by a Provincial Heritage Resources Authority.

Given the complex nature of these sites and the limited competency and capacity of heritage institutions, the network theory is germane in this case. The three heritage institutions would need interdependencies amongst them and also third-party actors. This will require, apart from staff, the participation of various experts like independent heritage practitioners, legal practitioners, developers, conservationists, geologists, land surveyors, biologists, property owners, surrounding communities and other affected and interested parties. These actors will bring new goals, operating styles, skills, worldviews, incentives and priorities. Their guidance, recommendations and advice, significantly that from the experts, should be incorporated into the operations of the permit-granting systems of these heritage institutions.

It is such a network, incorporating information and knowledge from various actors, which can assist in developing effective and efficient permit-granting systems for such a major project. Each heritage institution, through its network of actors, would be able to deliver on its mandate, like the issuing of a permit within set timeframes.

By implementing the network theory the various heritage institutions would have an opportunity to establish formal networks amongst themselves. With such networks they would have the opportunity to develop congruent, compatible and integrated permit-granting systems. These systems and other regulatory systems will change contradictory systems and develop complementary systems, thus streamlining permit-granting processes. These systems must be arranged in such a way that they are have clearly defined and have specific role clarifications to avoid conflicting processes.

Such networking amongst heritage institutions will also encourage them to align their strategic management plans and operations. This is a step that could promote combined programmes without reneging on their legislative mandates.

It is clear that the network theory provides practical direction for heritage institutions when implementing their legislative requirements. This is a course that will enable them to realise and achieve the government's vision to pursue sustainable development so as to improve the lives of the country's citizens. It is a vision that can be realised if SANParks, SAHRA and the managing authorities of World Heritage Sites have sound networks. Networking with international heritage bodies, such as the UNESCO World Heritage Centre, International Council of Monuments and Sites (ICOMOS), International Union for Conservation of Nature, (IUCN), International Council of Museums, (ICOM) and International Centre for Study of the Reconstruction and Restoration of Cultural Property (ICCROM), with their financial support and international professional expertise, should also be harnessed.

Heritage institutions should also establish networks amongst them so that they liaise with each other on various programmes and projects.

Partnerships

Partnerships are largely dependent on collaborations. Partnerships between these heritage institutions would subsist by sharing and exchanging ideas and expertise. This is a critical measure that requires a reorganisation of policy issues and internal operations. Exchanging ideas about their respective policy issues is crucial, as the respective board members and responsible staff would be expected to broaden their scope.

Institutions might decide to form partnerships and board members from various institutions might be requested to join a commission that will work on the reorganisation of mandates and terms of reference; senior management from both institutions might be expected to develop operational guidelines for this coordination approach, which might include issues such as the deregulation, devolution and decentralisation of functions; operational staff from both institutions might be expected to form partnerships and collaborate on and run conservation projects in a holistic manner; and both finance sections will require pragmatic approaches that deal with issues of finances in the form of grants. But these partnerships and collaborations will require research, provision of information and capacity building.

A critical aspect in forming partnerships is the use of behavioural instruments that deal which conflict management, individual communication and group communication. This is a significant aspect of effective collaboration in partnerships. As employees from various institutions dealing with different aspects of heritage will be embarking on a joint venture, it is critical to deal with conflict management and communication issues.

As in a political system, institutional fragmentation in heritage management can sustain hostility and conflict behaviour among various groups. This was experienced with the declaration of St Lucia as a World Heritage Site, which was done without consulting the national heritage body, SAHRA, and with little regard for the principles, norms and standards prescribed in national heritage legislation. This led to conflicts between the surrounding communities, landowners and conservationists. Had the managing authority responsible for this World Heritage Site followed the national guidelines, which prescribe consultation processes, some of these conflicts could have been avoided.

If the two heritage institutions agree to collaborate and form partnerships, for example if SANParks and SAHRA agree to collaborate on the management of the St Lucia Wetland Park, it is vital that the decision makers, namely the two boards, understand and approve such a joint venture, which must be clearly stipulated and agreed by all. This will avoid conflicts, for example SAHRA's living heritage officer being adamant that some traditional healers should have access to harvest herbal plants - an indigenous knowledge system that forms part of the conservation of intangible heritage, whilst a botanist from SANParks is opposed to this as it will deplete the plant species. It would also be counterproductive to make the architects from SAHRA feel that they are not as valuable as the ecologists from SANParks in a collaborative project.

On the other hand, the public relations officer of SANParks should share information that relates to the site with the SAHRA public relations officer so that there is communication and dissemination of information. This will avoid a situation where SAHRA only promotes cultural heritage at the expense of natural heritage, which could lead to conflict. Therefore, both institutions should use these instruments by agreeing on tactics for conflict management and communication.

Heritage institutions also compete for resources and recognition and, when entering into such a collaborative exercise, there might be mistrust based on competition for scarce resources. By using these varied approaches to partnerships, heritage institutions can increase their resources and utilise them efficiently and effectively. To avoid duplication, all heritage institutions could meet and strategise on how to conserve and manage heritage and share programmes and resources. Integrating both financial and human resources through partnerships and coordinating their activities would solve many problems.

Heritage institutions should also form partnerships and invite the private sector to assist financially or with their expertise and skills or develop business strategies for them to improve heritage management.

These can be commercial strategies, such as charging entrance fees and fees for permit administration; getting donors to fund heritage programmes or sites; and opening curio shops that sell crafts. The private sector also has effective and efficient inventories and database systems that can be adapted and used by various heritage institutions in communicating how heritage all over the country could be managed collectively. But they must be in line with coordinated conservation principles.

The governing principles for private-public partnership are critical. These are principles of good governance, which can be achieved if public-private partnerships deliver the objectives of the public sector to solve their enormous problems. The decentralisation and liberalisation of heritage management through the involvement of the private sector could provide solutions to this fragmentation.

The abovementioned examples demonstrate how partnerships can be utilised effectively to promote an integrated and interactive management approach. Partnerships can be used to encourage various fragmented

institutions to work together. This could lead to the signing of Memorandums of Understanding or Service Level Agreements.

4.6 Summary

It is evident that fragmented regulatory frameworks impact negatively on conserving and managing the cultural and natural heritage. It is thus imperative that heritage institutions use these tools and instruments. Given the vast cultural landscape and numerous heritage resources with complex regulatory frameworks, creative and ingenious approaches are critical. It is evident that the prevailing regulatory systems in heritage conservation are fragmented and cumbersome with complex management processes. In this state, an effective and efficient service delivery ideal cannot and will not be realised.

Such problems have been identified in other sectors, and possible solutions, largely from the new public management approaches, have been used. The integration and restructuring of the fragmented state departments and institutions that characterised South Africa during apartheid are good examples. The then South Africa, the homelands and self-governing Bantustans had different institutions. Using reforms, these were integrated and fused into single departments and institutions.

The ANC-led government has adopted some of these public sector reforms. An example is the organisation of various departments, with similar and related mandates, into clusters. These coordinate and collaborate on those issues that are common to them. The security cluster, involving the Departments of Safety and Security, Intelligence, Justice and Constitutional Affairs, Correctional Services and Defence, have formed partnerships, collaborating and networking by holding regular meetings to discuss issues that affect them. Those managing the heritage sector should also adopt and align their strategies to these reforms.

From the abovementioned example it is clear that 'institutional impediments' must be addressed for the sustainable management and conservation of heritage. This ideal can be realised if appropriate and relevant tools, in the form of theories, strategies and instruments, can be adopted and implemented in managing and conserving heritage. It is important that these are presented, accepted and implemented at the initial stages of any inter-organisational negotiations. This is an approach that should be adopted and applied by heritage institutions.

The following chapter will provide the conclusion and a summary of this study.

CHAPTER 5

SUMMARY AND CONCLUSION

This chapter provides a summary of and conclusion to this study. Heritage conservation and management is an emotive and complex subject all over the world and requires consistent and coherent management and administrative systems. A developing nation like South Africa, with its divided past, must guard against any legal frameworks that have the potential to destabilise the management systems that shaped the national democracy. The consequences of any form of fragmented heritage management system can be detrimental to nation-building and reconciliation.

It is evident that the prevailing management approaches by heritage institutions are not effective and have prevented them from delivering on their mandates. The prevailing institutional fragmentation has resulted in multifarious and complex systems that thwart service delivery. An effective and efficient system is of essence in managing and conserving heritage in this country. This requires appropriate strategies and approaches to resolve the quandary created by institutional fragmentation. This study has identified strategies that can be adopted and implemented by the heritage sector. These must be explored and, if applicable, should be implemented.

Public sector reforms that are applicable to public institutions can assist in preventing fragmented heritage management systems. By adopting these reforms, which promote integrated management systems, heritage institutions can share in, adhere to and comply with government's objectives and goals to build a better South African nation.

It is these reforms that assisted and guided other state organs, including public institutions in most member countries of the Organisation for Economic Cooperation and Development (OECD). With these reforms, these countries saw an improvement and enhancement in service delivery. These are reforms that compel public sector institutions to use appropriate and relevant methods of organising and managing their business.

Public sector systems are complex, multi-dimensional systems with organisations that operate with limited resources but expected to deliver. Like all public sector institutions, heritage institutions have a critical role in delivering services to the citizens. It is incumbent on the state and public institutions to identify and implement practical tools that advocate integrated management systems.

Heritage institutions should therefore establish reliable and definite management systems to perform their functions effectively and efficiently. It is incumbent on these institutions to be more creative when conducting their business, which is managing heritage. This can be achieved by avoiding duplication and wasteful expenditure, which results from fragmented management systems. This study has provided recommendations that address critical policy gaps and develop strategies and approaches for an integrated and interactive system.

Given the need to conserve all these heritage sites covering a vast area of the landscape, and the need for development, the state is faced with enormous challenges. With these competing demands, heritage management is not a priority and the consequences are being allocated limited resources. It is therefore critical that an effective approach be devised to balance the need for conservation and development. Heritage institutions must use practical tools like coordination, collaboration, networks and partnerships to maximise the use of their limited resources.

If heritage institutions apply these tools and develop an integrated management system, they can enhance conservation whilst consenting to sustainable development through an integrated management system. (see Figure 5)

Figure 5: Integrated management system

MANAGING
AUTHORITY

SAHRA

SANPARKS
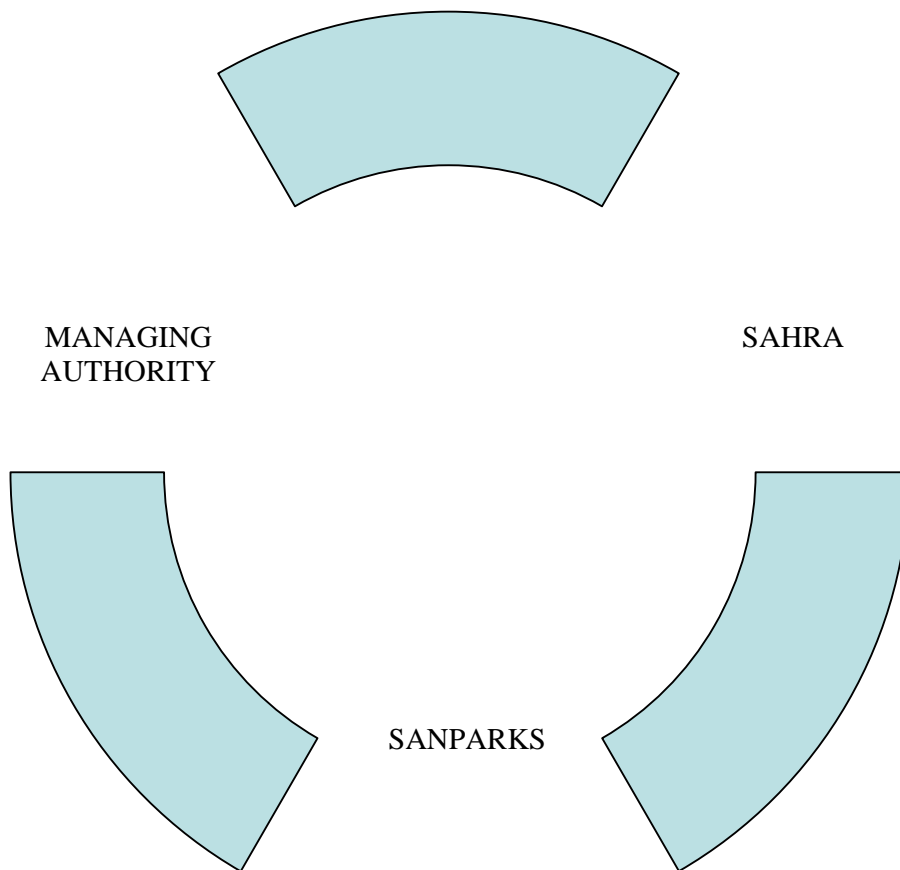
These reforms had a positive impact on those public institutions that employed them and have yielded the required outcomes. Their application and implementation improved systems in the public sector and enhanced service delivery.

The three institutions with their regulatory frameworks for managing heritage can adopt a holistic and integrated management approach. This approach can be realised without or with limited amendments to their legislative frameworks.

SAHRA is responsible for cultural heritage, SANParks for natural heritage and the managing authorities for World Heritage Sites. These are all heritage sites. Developing holistic, integrated and interactive management and conservation approaches is vital. As demonstrated in chapters three and four, heritage resources are located in a place on the landscape. Some of these heritage resources are in one place, either underground or on the surface. A burial grave can be found under a protected plant species in a World Heritage Site or an endangered insect can be found in an archaeological site.

In some communities, what is defined as a natural resource is a cultural resource. There are different worldviews that influence the interpretation of a heritage resource. What is a special plant species to a botanist could be good medicine to a traditional herbalist. Such diverse understandings influence fragmented management systems.

These problems have led to the temptation to consolidate and integrate heritage institutions into one centralised regulatory body. Such an arrangement could result in the marginalisation of other aspects of heritage management.

Given the fact that the natural environment receives more attention and that institutions associated with it play a dominating role, cultural heritage could be affected negatively and marginalised if a centralised agency is established.

This is also evident in the bigger focus that is given to World Heritage Sites compared to National Heritage Sites. The various institutions should continue with their legislative mandates. The coordination of their various functions can be achieved by using appropriate tools to enhance the management and conservation of all aspects of heritage.

Chapter four has presented detailed case studies in the management of heritage and elaborated on various examples of how the NPM tools can be utilised to promote an integrate management system. The impact and success of these on heritage management will only be realised on their implementation. That will require a rigorous investigation and evaluation that will involve various entities in the heritage sector. The focus of this study was not an attempt to come to final and absolute conclusions but rather to determine probabilities.

The outcome of this study is that coordination, collaboration, partnerships and networks are critical in resolving obstinate fragmented systems. A modest case for adoption of these tools is informed by experiences in the sector and dilemma caused by fragmentation. These experiences have been complimented by this research which all suggests that an integrated and participative approach can prove valuable in promoting an effective heritage management system. The application of these tools is a challenge that must be met. If they can be utilised effectively to obtain integrated institutional operations, service delivery will improve.

It is these theories, strategies and instruments from the new public management approach that are critical in bringing about reforms in heritage institutions. It is this study's assertion that a meticulous application of these instruments can alleviate the problems resulting from fragmentation of these heritage institutions.

Indeed the application of these theories, strategies and instruments can only succeed with the support of South Africa's capable and motivated government. With this administrative competency and participatory governance heritage management can be improved.

LIST OF REFERENCES

Bach, D.C. (1999) *Regionalisation in Africa*. Currey, Oxford.

Bartley, R. & Larbi, G. (2004:31-53) *Changing Approaches to Public Sector Management*, The Changing Role of Government- The Reform of Of Public Sevices in Developing Countries; Bartley R & Larbi G; Palgrave Macmillan, New York pp 31-53

Bless, C., Higson-Smith, C. & Kagee, C. (2006) *Fundamentals of Social Research Methods: An African Perspective.* Juta, Kenwyn.

Borvaird, T. & Löffler, E. (2003) *Public Management and Governance*. Routledge, London.

Borzel, T. A. (1998) *Organising Babylon: On the different conceptions of policy networks*, Public Administration 76: 253-273

Brown, M.T. (2005) *Corporate Integrity: Rethinking Organisational Ethics and Leadership*. Cambridge University Press. Cambridge

Bynum, C.W. (1991) *Fragmentation and Redemption*: Essays on Gender and the Human Body in Medieval Religion, New York

Buxmann, P., Konig, W., Fricke, M., Hollich, F., Diaz, M.L. & Weber, S. (2004) *Inter-organisational Cooperation with SAP Solutions: Design and Management of Supply Networks*. *Springer-Verlag,* New York.

De Coning, P. & Cloete, F. (2006) *Improving Public Policy*: *From Theory to Practice*. Van Schaik, Pretoria.

Department of Arts and Culture. (2006) Cultural diversity in conflict and peace-making in Africa- *Enhancing South Africa's contribution and Peace Making in Africa.*

Department of Environment and Tourism (2004), National Biodiversity Strategy and Action Plan, Stocktaking Report, *Policy and Legal Strategic Priority an Recommendations, February 2004*

Department of Transport. (1997) *Moving South Africa: A transport strategy for 2020. (Cross-Cutting Issues)* [Online] Available at*:* http://www.transport.gov.za/projects/msa/msareport/msadraft83.html

Department of Water Affairs and Forestry. (1994) White Paper/ Water Supply and Sanitation Policy- *Water an Indivisible National Asset,* 1994

Dixon, Hudson B.R., Bouma, G.D. & Atkinson, G.B.J. (1987). *A Handbook of Social Science Research*. Oxford University Press , Oxford.

Dyker, D.A. & Vejvoda, I. (1996) *Yugoslavia and After: A Study in Fragmentation, Despair and Rebirth*. Longman, London.

Farley, E. (1983) *Theo-logia: The Fragmentation and Unity of Theological Education.* Fortress, Philadelphia, USA.

Forcese, D.P. (1973) *Social Research Methods*. Prentice Hall, New Jersey.

Garbers, J.G. (1996) *Effective Research in the Human Sciences*. Van Schaik, Hatfield.

Healey, P. (2006) *Collaborative Planning*: *Shaping Places in Fragmented Societies*. Palgrave Macmillan, New York.

Hill, C.R. (1964) *Bantustans: The Fragmentation of South Africa.* Oxford University Press. London.

Hudson., B., Hardy. B., Henwood. M & Wistow. G., (2002) *In Pursuit of Inter-Agency Collaboration in the Public Sector*, Public Management - Critical Perspectives Vol. II. in Osborne, SP. (ed.). Routledge; London: 325-351.

Institute of Waste Management (1997), Towards Integrated Waste Management Strategy for the Western Cape, 1997

Kirk, J. & Miller, L. (1986) *Reliability and Validity in Qualitative Research*. Sage Publications, USA.

Lakeland, P. (1997) *Postmodernity: Christian Identity in a Fragmented Age.* Fortress Minneapolis, USA.

Landman, K. & Ntombela, N. (2006) Opening up spaces for the poor in urban form: *trends, challenges and their implications for access to urban,* Urban Land Seminar, CSIR, Mulderdrift

Lester, R.B. (1987) *Effective Human Relations in Organisations*. Houghton Mifflin, Boston.

Limpopo Growth And Development Strategy 2004 - 2014. 2004. *Development is About People.*

Lowndes, V. & Skelther, C. (2002) *The Dynamics of Multi-Organisational Partnerships,* Public Management-Critical Perspectives Vol II; in Osborne, SP (ed.); Routledge; London; 302-324.

Manning, N. (2001) *The legacy of the New Public Management in developing countries, International Review of administrative Sciences*, Sage Publications, London, Vol 67, 297-302

Marvin, J.T. (1969) *The Multiple Staff Ministry.* Abingdon Press, New York.

May, T. (2001) *Social Research: Issues, Methods and Process*. Buckingham: Open University, Philadelphia.

Mehra, A.K., Khanna, D.D. & Kueck, G.W. (2003) *Political Parties and Party Systems*. Sage Publications, New Delhi.

Miller, D.C. (1991) *Handbook of Research Design and Social Measurement (fifth edition).*Derpert, USA.

Minoque, M. (1998) Changing the state: concepts and practice in reform of the public sector. In Minoque, M. Polidano, C & Hulme, D. (eds) *Beyond the New Public Management.* Edward Elgar, Cheltenham.

Mouton, J. (2001) *How to Succeed in your Master's and Doctoral Studies: A South African Guide Book and Resource Book*. van Schaik, Pretoria.

Müller, K. (2004) The institutional and policy framework for regulation and competition in South Africa. In Cook, P. *et al* (eds). *Leading Issues in Competition, Regulation and Development,* Edward Elgar. Cheltenham.

Niemi-Ilahti, A. (2003) *Will Networks and Hierarchies ever meet*?, in Salmien, A (ed): Governing Networks, EGPA Yearbook 2003, IOS Press, Amsterdam, 59-82

Ogus, A. (2005) Comparing regulatory systems: institutions, processes and legal forms in industrialised countries. In Cook, P. *et al* (eds). *Leading issues in Competition, Regulation and Development.* Edward Elgar. Cheltenham

O'Toole, L.J., Hanf, K.I. & Hupe, P.L. (2002) *Managing Implementation Processes in Networks,* Public management - Critical Perspectives Vol II*;* in Osborne, S.P. (ed.). London: Routledge. 302-324.

Paddison, R. (1983) *The Fragmented State: The Political Geography of Power*. Blackwell, Oxford.

Pete, M & Fregona, C. (2004) *Sustaining Outline Learning During Times of*
Change Through Multi-Disciplinary Community of Practice, Media 2001
Worlds Conference on Educational Multimedia & Telecommunications ,
Association for Advancement of Computing in Education (AACE), Norfolk,
VA, USA

Pollitt, C. & Bouckaert, G. (2003) *Public Management Reform – A comparative analysis.* Oxford University Press Inc. New York.

Powell, C. & Powell, K. (1970) *Social Fragmentation and Political Hostility*. Stanford University Press, California.

Radin, B.A.(2003) *The Instrument of Intergovernmental Management Setting,* Handbook of Public Administration; in Peters & Pierre J (Eds); Sage; London: pp 594-606

Republic of South Africa. (1951) *The Bantu Authorities Act*, (Act No 68 of 1951). Government Printers, Pretoria.

Republic of South Africa (1969) The National Monuments Act, (No 69 of 1969). Government Printers, Pretoria.

Republic of South Africa. (1996) *The White Paper on Arts, Culture and Heritage*. Government Printers, Pretoria.

Republic of South Africa. (1996) *The South African Constitution*, 1996 (Act 108 of 1996). Government Printers, Pretoria.

Republic of South Africa. (1996) *The South African Constitution*, 1996 (Act 108 of 1996). Government Printers, Pretoria.

Republic of South Africa. (1999) *The National Heritage Resources Act*, 1999 (Act 25 of 1999). Government Printers, Pretoria.

Republic of South Africa. (1999) *The National Heritage Council Act*, 1999 (Act 11 of 1999). Government Printers, Pretoria.

Republic of South Africa. (1999) *The World Heritage Convention Act*, 1999 (Act 49 of 1998). Government Printers, Pretoria.

Republic of South Africa. (1999) *The National Environmental Management: Protected Areas Act*, 2003 (Act 57 of 2003). Government Printers, Pretoria.

Republic of South Africa. (1999) *The Cultural Institutions Act*, 1998 (Act 119 of 1998). Government Printers, Pretoria.

Republic of South Africa. (1999) *The Cultural Laws Second Amendment Ac*t, 2001 (Act 69 of 2001). Government Printers, Pretoria.

Republic of South Africa. (1999) *The Public Finance Management Act*, 1999 (Act 29 of 1999). Government Printers, Pretoria.

Rhodes, RAW. (2002) The New Governance-Governing Without Government, Public Management- Critical Perspectives Vol.11: in Osborne SP (ed); Routledge; London; pp 208-227

Saglie, I. (2006) Fragmented institutions: the problem facing natural resources management. In Rydin, Y. & Falleth, E. *Networks and institutions in natural resource managemen*t, Edward Elgar. Cheltenham.

Salaman, LM. (2002) *The New Governance and the Tools of Public Action An Introduction*, The Tools of Government- A Guide to the New Governance, in Salamon LM (ed); Oxford; New York, pp1-47

Tornqvist, G. (1979) *On Fragmentation and Coherence in Regional Research*. Royal University Press, Sweden.

UNESCO. (1972) Convention Concerning the Protection of World Cultural and Heritage. UNESCO.

Walker, B. & Salt, D. (2006) *Resilience Thinking: Sustaining Ecosystems and People in a Changing World*. Island Press, USA.

Welman, C., Kruger, F. & Mitchell B. (2005) *Research Methodology, 3rd ed*. Oxford University Press

Wilson, J.R. (1997) *Living Faithfully in a Fragmented World: Lessons for the Church from MacIntyre's After Virtue.* Trinity Press International, Harriburg

Wollmann, H. (2003) *Evaluation in Public Sector Reform*: *Concepts and Practice*. Edward Elgar, Cheltenham.

Appendices

Appendix 1

Cultural Institutions Act, no 119 of 1998 is to:

a. provide for the payment of subsidies to certain cultural institutions;

b. to provide for the establishment of certain institutions as declared cultural institutions under the control of councils;

c. to establish a National Museums divisions; and

d. To provide for matters connected therewith.

Appendix 2

Cultural Laws Second Amendments Act no 69 of 2001 objective is to:

a. to amend the Cultural Institutions Act of 1998 so as to further regulate the amalgamation of declared institutions;

b. to provide that a declared institution may in certain circumstances without approval of the Minister sell or otherwise alienate any specimen, collection or movable property;

c. to further regulate the constitution of Council;

d. To further regulate the vacation of office by members of a council etc

Appendix 3

Heritage Resources include:

a. places, buildings, structures, and equipment of cultural significance;

b. places to which oral tradition are attached or which are associated with living heritage

c. historical settlements and townscapes;

d. landscapes and natural features of cultural significance;

e. geological sites of scientific or cultural significance;

f. archaeological and paleontological sites;

g. graves and burial grounds including:

- ancestral graves
- royal graves and graves of traditional leaders
- graves of victims of conflict
- graves of individual is designated by the Minister by notice in the gazette
- historical graves and cemeteries;
- other human remains which are not covered in terms of Human Tissue Act, 1983
- sites of significance relating of the history of slavery in South Africa;
- movable objects

Appendix 4

A place or object is considered part of the national estate, if it has cultural significance or other social value because of-

    a. Its importance in the community, or pattern of South Africa's history;

    b. Its possession of uncommon, rare or endangered aspects of South Africa natural or cultural heritage;

    c. Its potential to yield information that will contribute to an understanding of South Africa's natural and cultural heritage;

    d. Its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;

    e. Its importance in exhibiting particular aesthetic characteristics valued by a community of cultural groups; Its importance in demonstrating a high degree of creative or technical achievement at a particular period;

    f. Its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;

    g. Its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and

    h. Site of significance relating to the history of slavery in South Africa

Appendix 5

Principles:

a. Heritage resources have a lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

b. Every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interest of all South Africans;

c. Heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and;

d. Heritage resources management must guard against use of heritage foe sectarian purposes or political gain.

e. To ensure that heritage resources are effectively managed- the skills and capacities of persons and communities involved in heritage resources management must be developed;

f. Provision must be made for the ongoing education and training of existing and new heritage resources management workers;

g. Laws, procedures and administrative practices must be clear and generally available to those affected thereby in addition to serving a regulatory measure, also provide guidance and information to those affected thereby; and gives further content to the fundamental rights set in the constitution.

h. Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management,

i. Heritage resources contribute significantly to research,

education and tourism and they must be developed and presented for those purposes in a way that ensures dignity and respect for cultural values.

j. Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.

The identification, assessment and management of the heritage resources in South Africa must-

a. take account of all relevant cultural values and indigenous knowledge systems;

b. take account of material or cultural heritage value and involve the least possible alteration or loss of it;

c. promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;

d. contribute to social and economic development;

e. safeguard to options of present and future generations, and

f. be fully researched, documented and recorded.

Appendix 6

The National Heritage Council's functions are as follows:
a. advises Minister on:

- . national policies on heritage matters, including IKS systems, living treasures, restitution and other relevant matters; any other matter concerning heritage which the Minister may from time to time determine;

b. to advise the Minister on the allocation of core funding to declared cultural institutions;

c. to investigate ways and means of effecting the repatriation of South African heritage objects presently held by foreign governments, public and private institutions and individuals;

d. to make grants to any person, organisation or institution in order to promote and develop national heritage activities and resources;

e. to coordinate the activities of public institutions involved in heritage management in an integrated manner to ensure optimum use of State resources;

f. to monitor and co-ordinate the transformation of the heritage sector, with special emphasis on the development of living heritage projects;

g. to consult and liaise with relevant stakeholders on heritage matters;

h. to generally support, nurture and develop access to institutions and programmes that promote and bring equity to heritage management;

i. to promote an awareness of the history of all our peoples, including the history of enslavement in SA;

j. to lobby in order to secure funding for heritage management and to create a greater public awareness of the importance of our nation's heritage.